

CONFLICT MOTIVES IN KENYA'S NORTH RIFT REGION

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Interns & Volunteers Series

Conflict motives in Kenya's North Rift Region

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Caption photo Front Page: Children at Eldoret Showground IDP Camp. (Jan Van den Broeck, 2009)

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Abstract

Kenya's North Rift Region continuous to suffer from violent conflict in which a series of actors are involved. Armed groups perform widespread and devastating raids against neighbouring communities. The strength of these warrior groups varies regionally and from case to case. Security operations are often typified by disproportionate brutality. Power figures are known to instigate violence or organise and finance armed militias.

Uasin Gishu and Trans-Nzoia bore the brunt of the post-election violence in 2007 and 2008. The violence mainly pitted Kalenjin warrior groups against Kikuyu communities in a struggle over political injustices and power but also over economic discrepancies and feelings of ethnic antagonism.

Turkana is the most northern district of the North Rift Region. In the course of 2009 and 2010 the district proved to be the most violent in the entire North Rift. Here, Turkana, Pokot, Nyangatom, Toposa and other militias confront each other violently over livestock, pasture and disputed borderlands. Police and military are likewise involved in large scale violence and are known to distribute weapons and ammunition to the different warrior groups. Increased attacks and counter attacks in combination with security operations brought about endless cycles of violence motivated by amongst others ethnic antipathies, survival strategies and commercial incentives.

Samburu and Laikipia were at the epicentre of pastoral conflict and excessive disarmament operations in 2009 and 2010. A series of events in which Pokot, Samburu and Borana militias were involved resulted in an unusual number of deadly casualties and displaced. They also brought about unseen violent disarmament operations resulting in widespread human rights violations. Here too, violence is motivated by political and economic considerations and aspects of tradition.

Throughout the North Rift the complicity of power figures, administrators and politicians in armed violence proves to be a very interesting yet difficult issue. It is believed that politicians and local prominent figures foment violence and organise armed militias for various purposes.

1. Introduction

In this publication we deal with patterns of conflict and violence in Kenya's North Rift Region. We present the backgrounds and actors that make up this conflict from the beginning of 2008 until 2010. To do so we focus on specific events that are typical for the geographical area of our research. Consequently, this report will only deal with a limited number of cases. This shortcoming is the unavoidable result of a well-considered choice to focus on events that, although separated in both space and time, show remarkably similar patterns. As a result this report is not an exhaustive account of conflict and its undercurrents across the North Rift. Rather it is an attempt to, through an analysis of actors, roles and motivations reveal what underlies conflict in this region. It indicates recurrent issues and pinpoints cases that call for further investigation rather than presenting sweeping conclusions and solutions.

The North Rift Region comprises the Kenyan side of the Karamoja Cluster – which corresponds to the Turkana, West-Pokot and Trans-Nzoia districts – and the Uasin Gishu, Marakwet, Keiyo, Samburu and Laikipia districts¹. This vast area of ambiguous borderlands and disputed farmlands and pastures covers the entire Kenyan North-West and is home to a variety of ethnic communities and conflicting parties. Indeed, these do sometimes overlap. All of them are involved in a violent struggle with their neighbours or the Kenyan state and its representatives. Warrior militias from different ethnic origin violently confront each other but also target civilian populations in peripheral towns and villages in, for example Turkana, Samburu and West-Pokot Districts. Discontented communities arm and organize themselves against migrant populations in, amongst others Uasin Gishu, Trans-Nzoia and Marakwet. Security personnel act brutally and in disregard of international law and human rights against civilians in Samburu and elsewhere. Politicians and administrators act as instigators, facilitators and organizers.

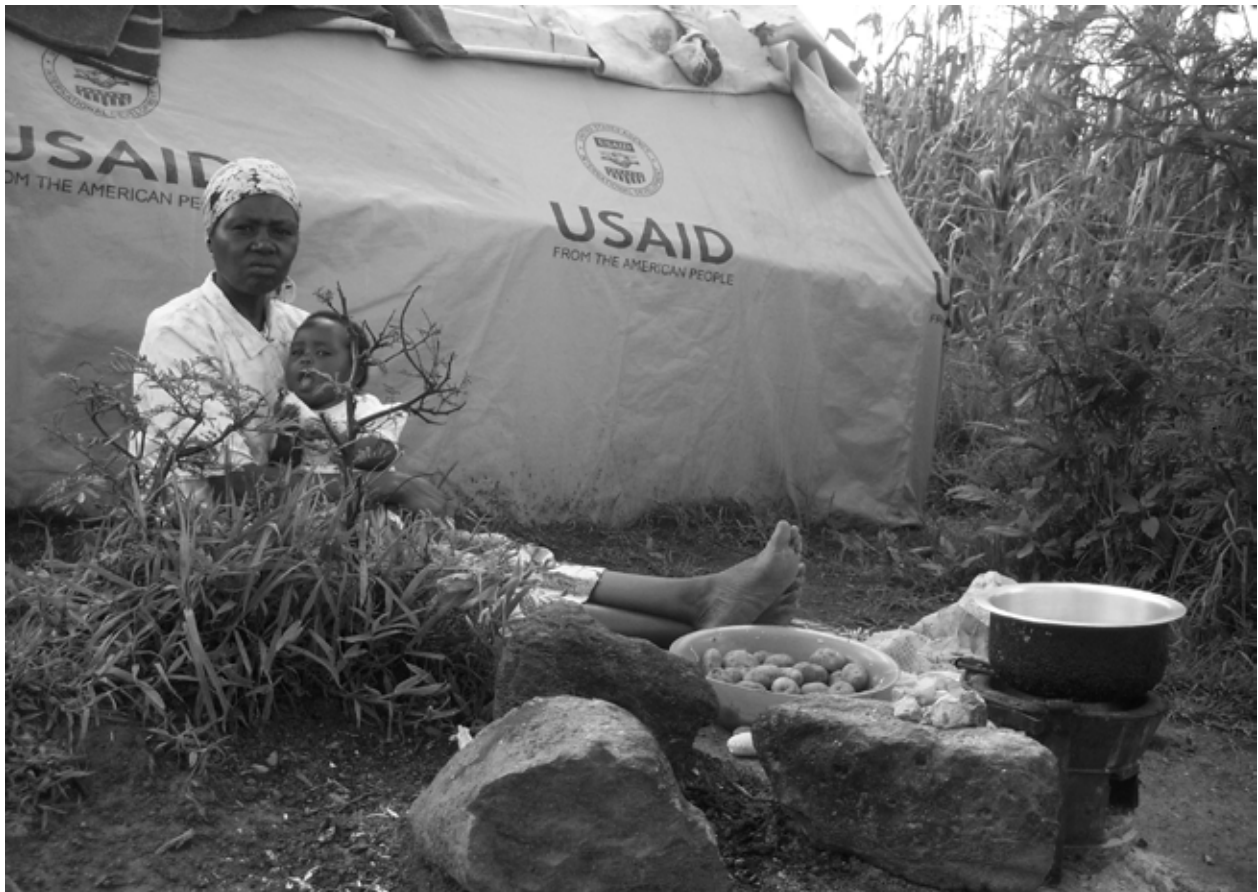
In a first, short chapter we will present the areas that are the geographical focus of our study. This means that we will briefly introduce Uasin Gishu, Trans-Nzoia, Samburu, Laikipia and Turkana Districts. We chose to focus on these areas in the North Rift because they bare the brunt of conflict in the region and thus provide us with the most relevant and interesting cases.

Under a next title the different parties are presented. A background to their origins is given. Their location, organisation, strategies and official objectives as well as their actions will be discussed. We will also, be it very briefly introduce and refer to issues we will treat in our analytical chapter.

The final chapter is an analysis of illustrative incidents and confrontations based on a two month field research, interviews and a consultation of existing documentation. This analysis tries to combine these elements to answer the question why certain actors take up certain roles and operate in specific areas and from there tries to unveil the motivations that underpin their actions. In doing so we will pinpoint comparable patterns and compelling, returning undercurrents of conflict across the North Rift.

As any research on conflict this one is subject to questions of veracity and actuality. As we often have to rely on interviews and reports of events that are already behind us, we are analysts of past events that have been interpreted several times. Hence, to construct a research on these implies a certain risk of verifiability. Although all research is undertaken with the most vigilance and accuracy we are fully aware of this risk and are thus open to any further remarks.

¹ This 'definition' of the North Rift Region is a highly personal one not necessarily based on an official precept but on a generally accepted description and the need to find a straightforward term to depict the geographical area of the research.



Refugee squatters in Uasin Gishu. (Photo: Jan Van den Broeck, 2009).

2. Conflict areas

2.1 Trans-Nzoia & Uasin Gishu

Trans-Nzoia and Uasin Gishu districts are respectively situated in the South-West and South of the North Rift Region. Trans-Nzoia borders Uganda to the West and Uasin Gishu to the South. It is part of the Kenyan side of the Karamoja-cluster. The administrative capital and main commercial hub in the area is Kitale. Uasin Gishu District is the most southern district of the area we have demarcated here as the North Rift. Its capital is the town of Eldoret. Both districts are traditionally inhabited by Kalenjin (sub) communities. Today, Uasin Gishu has a mixed population with the majority being Kalenjin (mostly Nandi) and others being Kikuyu, Luhya, Kisii and Luo while Trans-Nzoia has a majority Luhya population, with others being Kalenjin (mostly Pokot), Turkana, Kikuyu and Kisii. Uasin Gishu's total population is at about 622000 while Trans-Nzoia has 575 662 residents according to the 1999 census.

Both districts were at the epicenter of a series of violent confrontations and incidents that came in the wake of 2007 general elections. Election related violence is endemic to the area ever since the introduction of multi-party politics back in 1991. This time, in Uasin Gishu the most affected areas were Kiambaa, Munyaka, Langas, Yamumbi, Burnt Forest, Eldoret Town, Cheptiret, Turbo and some others. In Trans-Nzoia the most severely affected areas were Gituamba, Timbora Location in Saboti Division, Geta Farm, Kalaa, Makutano and Waumini near Kitale town. Trans-Nzoia further struggled with security problems throughout the following two years. These were mainly related to ongoing confrontations between armed pastoralist groups – Pokot, Ugandese Toposa, Turkana etc. – and incidents between these groups and Kenyan civilians most of whom are Luhya.

2.2 Samburu & Laikipia

Samburu District is situated at the eastern border of the Rift Valley Province and North Rift Region. It borders Marsabit and Isiolo in Eastern Province to the North-East, East and South. It shares borders in Rift Valley Province with Turkana (North-West), Baringo (South-West) and Laikipia (South, South-West). Maralal is the capital of the District. Another important hub is Archer's Post in the eastern corner of the district near Isiolo and Baragoi, north of Maralal. Most of the area is Arid and Semi Arid Land (ASAL). As the district's name already suggests, the area is traditionally considered to be home to the Samburu people, a pastoral community related to the more famous Maasai. Though the Samburu are the majority, the district hosts several other communities – Rendille, Turkana, Borana, Somali, Pokot, Kikuyu and Meru – too. The total population is at almost 224000².

At least six communities live in Laikipia. These communities are the Kikuyu, Maasai, Kalenjin, Turkana, Samburu and Pokot. In total they number almost 400 000 according to the 2009 census results. Kikuyu form about 60% of the population³. The district borders Samburu and Isiolo to the North, Meru to the East, Nyeri and Nyandura to the South and Baringo and Nakuru to the West. Its capital is Nanyuki.

Unlike Trans-Nzoia and Uasin Gishu, Samburu and Laikipia did not bare the brunt of the post election violence in 2007-2008. However, intercommunal conflict is perennial in the area. Conflicts ebb and flow since the 1960's⁴. Recently, both districts experienced heavy increases of conflict with a large number of incidents and confrontations in which both pastoral armed groups and security personnel were involved.

2.3 Turkana

Turkana District, the largest district in the North Rift, comprises a considerable part of Kenya's Arid and Semi Arid Lands. It is situated in the northwestern part of Kenya to the West of Lake Turkana. It borders Ethiopia to the Northeast, Sudan to the Northwest and Uganda to the West and the Kenyan districts West Pokot and Baringo to the Southeast and Marsabit to the East. Its capital is the town of Lodwar. Turkana has a population of 450860 according to the 1999 census. The district is considered to be home to the Turkana ethnic community.

However, with common borders between Kenya, Uganda and Sudan not demarcated and huge tracts of land disputed, the so called 'traditional' occupation of these lands by the Turkana is contested. This brings about cross border conflicts in which primarily Toposa, Nyangatom, Dassantech, Dodoth and Turkana confront each other. Especially the disputed Elemei-triangle – essentially a "broad belt of dangerous no-man's-land" between South-Sudan, Kenya and Ethiopia – and the adjacent Turkana North District – where violence is concentrated along the Ugandan and Sudanese border near the towns of Nadapal (and the Nadapal corridor), Lokichoggio and Oropoi and further more along the Mogila Range and "around the escarpment that divides Turkana North and the Ugandan plateau" are extremely violent⁵. Next to these conflicts, Turkana pastoralists are in conflict with Kenyan pastoralists – Pokot, Borana etc. – as well.

All of this has resulted in a severe situation of insecurity that is beyond any doubt the worst in the entire North Rift Region. In 2010 at least 65% of killings in Kenya's pastoral areas took place in Turkana District. Also in 2009 the district had the highest level of deadly casualties⁷.

² <http://gusii.com/2010/08/kenyas-population-census-2010.html>, 02 March 2010

³ Ibid.

⁴ Telephone Interview IPIS with Lesorogol Carolyn, *Conflict in Samburu and Laikipia*, 4 April 2011.

⁵ Personal Communication with Eulenberger I., April 2010 (email)

⁶ Bevan, J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Geneva: Small Arms Survey, June 2008, pp. 23-26.

⁷ OCHA Kenya, *Trackings of Killings and Displacement in Pastoral Areas: Annual Review 2010*, OCHA Kenya, 2010; OCHA Kenya, *Intensity of Pastoralists Fatalities in Kenya by District*, OCHA Kenya IMU, 04 February 2010.



Police helicopter during security operation in Samburu (Photo: Tina Ramme, 2009).

3. Conflicting Parties

Since this study covers a significant regional and social scope, it treats an equally significant number of actors. We chose to focus on a number of specific actors involved in a number of specific events. This allows us to reveal comparable patterns in conflict and conflicting parties in the North Rift Region.

3.1 Ethnic communities and their warrior militias

Conflict in the North Rift is often understood as a matter of ethnic calamities. A first glimpse upon violence in the region indeed reveals a number of ethnically motivated confrontations and incidents. Kalenjin organize and arm themselves to confront Kikuyu communities in Uasin Gishu. Samburu and Borana have a history of conflict that has largely developed along ethnic lines and so on. Calls on ethnic identity are an unquestionable part of most conflicts in the area. Consequently, in a report on conflict in Kenya's North West – or throughout the entire country for that matter – it is impossible to go without discussing ethnicity or ethnic confrontations. Social life, thus also conflict, is steeped with ethnic innuendos. Ethnic affiliation often defines one's possibilities in the social, economic and political spectrum. In this context however, it is equally important to recognize how ethnic antagonisms are more often than not generated and highlighted against a (post)colonial political and economic background (BOX 1)⁸.

Conflicting communities in the North Rift Region are mostly pastoral groups of which the Turkana, Samburu, Borana and Pokot, a Kalenjin 'sub-tribe', are the most prominent. Other important Kalenjin communities, like the Nandi and Kipsigis have a history of pastoralism but have long since become sedentary. Non-Kenyan pastoralists in the region are the Ugandan Dodoth and Jie and Sudanese Toposa, Didinga and Nyangatom. There is also a significant presence of Somali communities and warrior groups⁹.

⁸ Despite the fact that conflict in North Rift appeals to aspects of identity we find it crucial to acknowledge that a presentation of conflict in North Rift as solely ethnically motivated is highly problematic. To report of conflict in the North Rift as a conflict between rivaling ethnic communities for the sake of incompatible ethno-cultural differences would be an irresponsible simplification.

⁹ Bevan J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Geneva: Small Arms Survey, June 2008, pp. 22-29.

Box 1. The Kalenjin: Construction of an Ethnic Identity

The Kalenjin are a conglomeration of communities (Kipisigis, Nandi, Tugen, Pokot, Marakwet, Keiy and Sabaot) melted and forged against a political background in the fifties. Kalenjin ethnic identity is the indefinite outcome of an interplay between cultural, political and economic processes. Kalenjin antipathies towards the Kikuyu community have their roots in issues over land, land acquisition, land usage and resource generation that come from colonial and post-colonial land policies and are highlighted, (re)created and reaffirmed in times of heightened political competition as we will demonstrate below. Colonial rule imposed and postcolonial administration maintained rigid administrative boundaries around largely imagined identity groups. In their adaptation to these socio-political changes the communities of the North Rift have come to internalize the externally imposed understanding of ethnic identities as administrative entities.

Today, communities feel bound to a well demarcated area not merely administratively and politically but also with regard to their ethnic identities. Today, most Samburu reside in Samburu District which is often referred to as 'Samburu Land'. The Turkana consider Turkana District to be their ancestral home, the Pokot think of West-Pokot as their homeland and Nandi speak of 'Nandi Land'. All of this goes together with – recently developed – ideas of ancestral belonging, rightful ownership over and access to resources, injustices in land acquisition and so on¹.

¹ For a more detailed account of colonial and post colonial policies and their relations with the genesis and rigidification of ethnic identities and ethnic affiliations to land and resources see: Van den Broeck, J., "It's how they do their politics" The Roots and Dynamics of Ethnic Conflict around the Kenyan Town of Eldoret. Leuven, Catholic University of Leuven, 2010.

Although unmistakably diverse, pastoral communities share the following characteristics¹⁰:

- They mostly live on arid or semi-arid lands and rely on livestock and mobility for their livelihoods.
- Since livestock depend on pastures for their diet, pastoralists undertake seasonal migrations in search for qualitative pasture and water to sustain their herds.
- These migrations bring about intercommunal contact and cause competition and disputes over access to and management of natural resources which are traditionally negotiated through flexible and reciprocal arrangements.
- In Kenya and elsewhere the word "pastoralist" is used to refer to a broad scope of ethnicities regardless of the fact whether or not one makes a living through pastoralist activities¹¹. Hence, beyond reference to livelihoods, pastoralism appeals to aspects of identity¹².
- During the last decades pastoralists have been pushed more and more towards the peripheries of their respective nation-states. This has resulted in chronic underdevelopment, marginalization and tremendous hardships and pressures on the communities.

In the social and political organisation of most North Rift (pastoral) groups, age sets are central. These are regional phenomena that cut across ethnic lines. Despite differences in importance, rigidity and form they can be found among the Samburu, Turkana, and all 'sub-tribes' of the Kalenjin community. The institution divides the male population of a community in a number of subsequent age sets often with a cyclical pattern¹³. Of these, the warrior set is particularly important. It is in power for a period of about 15 years after which it retires and the next set below it takes over after an elaborate circumcision and initiation ritual. During the post election violence of 2007 and 2008 around Eldoret, Uasin Gishu most of the violence ascribed to the Nandi community was committed by so called 'Nandi' or 'Kalenjin Warriors',

¹⁰ Kimani M.J., *Access-Management-Ownership: The 'Water and Pasture Menu' in Pastoralist Conflicts in the Greater Horn of Africa (GhoA)*, paper presented at: 'Natural Resource Conflict in Africa-Is Water the New Oil?' United Nations Conference Centre, Addis Ababa, Ethiopia, 13 – 14 November 2008, p.5.

¹¹ Just like sedentary Kalenjin communities like the Nandi still refer to themselves as pastoralists and consider cows sacred, pastoralists may be wage labourers, tradesmen, students etc. in Nairobi, Mombassa, Nakuru or in one of Kenya's peripheral cities and commercial hubs. Nevertheless some of them might still consider themselves pastoralists.

¹² Krätli, S. and Swift, J., *Understanding and Managing Pastoral Conflict in Kenya: A Literature Review*, Institute of Development Studies, University of Sussex, United Kingdom, 1999, p.1.

¹³ Ng'ang'a W., *Kenya's Ethnic Communities: Foundation of the Nation*. Nairobi: Gatundu Publishers Limited, 2006.

members of the Kimyigei age group (boys and men between 15 and 30 years old who took over the more arduous duties of the older) and the Cheplelach age group (men between 30 and 45 or senior warriors)¹⁴. Historically, warrior groups have been of great importance in the organisation of a community for security, war and cattle raiding activities. Even today traditional cultural structures continue to provide a framework for organisation during violent confrontations with neighbours, the state or others¹⁵. On the other hand, as we will demonstrate below, it is interesting to study the developments around and within this institution against a background of fundamental societal change.

There is a wide variety in the strength of armed warrior groups. Their actual numbers are often subject to a lot of uncertainty and discussion. They can range from just a couple to gangs of tens, hundreds and even thousands. In January 2008 large groups up to 2000 armed Kalenjin attacked Kikuyu settlements in Uasin Gishu¹⁶. On the 15th of September 2009 at least 400 armed Pokot attacked a number of Samburu enclosures along the Laikipia-Samburu border killing 21 at the spot while a few months later 4 armed Nyangatom men raided a Turkana homestead and killed one man¹⁷¹⁸. The actual size of warrior militias is likely dependent on the motivations underpinning their actions and the purpose their attacks are supposed to serve.

By the same token, the warrior's equipment varies regionally and from case to case. During the post election violence warrior groups in Uasin Gishu mostly relied on traditional weaponry such as spears, bows and arrows, *pangas* and *rungus*¹⁹. They also used petrol bombs to burn down houses²⁰. Of 230 reported casualties only 28 died of gunshot wounds²¹. Guns are relatively rare in Uasin Gishu. In the neighbouring districts of Turkana, Trans-Nzoia and West-Pokot fire arms are much more widespread. There, armed groups rely mainly on cheap and easy-to-use rifles like the G3 or AK-47 and other common assault rifles²². This is confirmed in the Small Arms Review report of 2008²³. Another SAR report suggests that in Turkana North small arms are used in 96.9 per cent of raiding events in the border region between Kenya and Sudan²⁴. It has also been reported that raiders in Turkana are sometimes equipped with heavier military equipment such as grenades and RPG's in Turkana²⁵.

A study of violent events in the area reveals an array of violent conduct ranging from unnoticed and clandestine rustling and theft with little or no violence on the one end and overt use of excessive violence and indiscriminate killing and murder the other²⁶. The former can be illustrated by a Samburu attack on a Turkana enclosure on the 22nd of May 2010 that resulted in the loss of a large number of cows. An example of the latter is the devastating attack on the Kikuyu settlement of Kiambaa near Eldoret, Uasin Gishu on the 15th of September 2008 during which large groups of highly organized armed Kalenjin men burned down the village, locked up dozens in the community church and set it ablaze. At least 20 people died in the inferno. Other were hacked or stabbed to death while trying to escape the tragedy²⁷.

¹⁴ Interviews conducted in Uasin Gishu District, August – September 2009.

¹⁵ Ibid. For more information see: Akiwumi Commission, *The Akiwumi Report*, Nairobi, 1999; International Crisis Group, *Kenya In Crisis*, 2008; Waki Commission, *The Waki Report*, Nairobi, 2008.

¹⁶ Interviews conducted in Uasin Gishu District, August-September 2009.

¹⁷ OCHA Kenya, *32 Die in Cattle Raids*, OCHA Kenya, 17 September 2009.

¹⁸ Africa Peace Forum, *Peace and Conflict Updates*, 08 January 2010.

¹⁹ The word Panga is the Kishwahili equivalent of machete while rungu can be translated as a club. It is mostly a wooden club with a narrow handle and a large knob at the end.

²⁰ Confidential interviews conducted in Uasin Gishu District, Rift Valley Province, August-September 2009.

²¹ Waki Commission, *The Waki Report*, Nairobi, 2008, p.313.

²² Leff J., *Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region*, *International Journal of Conflict and Violence*, Vol.3, No.2, 2009, pp.188-203.

²³ Bevan J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Geneva: Small Arms Survey, June 2008.

²⁴ McEvoy C. & Murray R., *Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North*, Small Arms Survey, 2008.

²⁵ Bevan J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Small Arms Survey, June 2008, p.28; Africa Peace Forum, *Peace and Conflict Updates*, Africa Peace Forum, 08 January 2010; Eulenberger I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, pp.39-40

²⁶ OCHA Kenya, *Trackings of Killings and Displacement in Pastoral Areas: Annual Review 2010*, OCHA Kenya, 2010.

²⁷ Interviews conducted in Kiambaa, Uasin Gishu District, September 2009.

Traditionally, these warrior militias are autonomous, non-hierarchical units with little central command. Nevertheless, again during the post election violence in Uasin Gishu District young warriors violently confronted their neighbours while the elders sometimes provided them with the necessary (moral) support, directions and guidance. "Elders were guiding them in going to war"²⁸. "They would give a form of moral support by emphasizing the act of community"²⁹.

'The act of community' is what is often said to drive these warrior groups. The institution serves "to get the people together"³⁰. Warrior militias represent the entire community, its stakes and its socio-cultural continuity. During the post election violence Kalenjin warrior groups fought to secure Kalenjin interests and socio-cultural persistence. Cattle related conflicts too, are often said to ensure social survival and to guarantee the preservation of a group's – ethnic, age or other – social position for example by restocking herds after a harsh drought, by accumulating cattle for bride wealth and by establishing the reputation of an age set³¹⁻³²⁻³³. In short, socio-cultural factors are often advanced as the reasons for conflict as are socio-economic and environmental factors³⁴.

However, this somewhat romantic image of warrior groups as the defenders of a community does not necessarily represent the reality at the front lines. Colonial and post-colonial developments have changed the ways in which armed ethnic groups are present in the conflict. Young warriors venture out on their own without consent of their elders and even against them³⁵. They are also said to have followed orders from and been organized and funded by prominent community members. Involvement by, for example politicians and state administrators and the increased prevalence of small arms in combination with ever more ecological variability and hardships have changed the characteristics of conflict in North Rift.

As a result of these developments the action radius of warrior groups has undergone significant changes. The changing nature of conflict in North Rift allows for more raids to be organized along greater distances and stolen cattle to be sold on markets in neighbouring countries³⁶. Numerous respondents recalled how, during the post election violence around Eldoret, warrior groups were transported over large distances³⁷.

3.2 The Kenyan State: administrators and politicians

Politicians and administrators are reported to have manipulated the warrior institution during the widespread post election violence and the protracted violent conflicts in the North Rift³⁸. Both parties are known to have made strategic decisions in which they engaged warrior militias or did not adequately act against them. Obviously, there are no official objectives or agendas to be found regarding these decisions. Therefore, we will return to this issue in greater detail in our analytical chapter.

It is believed that for their cooperation warrior groups are promised political and material rewards³⁹. Local elites are said to engage warrior militias, increasingly organized around wage labour in large

²⁸ Interview with Police Officer conducted in Langas Estate, Eldoret, September 2009.

²⁹ Confidential interview conducted in Uasin Gishu District, Rift Valley Province, September 2009.

³⁰ Ibid.

³¹ Ocan n.d., as read in Osamba, *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*, *African Journal on Conflict Resolution*, 2000, p.23.

³² Conservation Development Center, International Institute for Sustainable Development and Saferworld, *Climate Change and Conflict: Lessons from community conservancies in northern Kenya*, 2009, p.40.

³³ Krätli S. and Swift J., *Understanding and Managing Pastoral Conflict in Kenya: A Literature Review*, Institute of Development Studies, University of Sussex, United Kingdom, 1999, p.18.

³⁴ Kimani M.J., *Access-Management-Ownership: The 'Water and Pasture Menu' in Pastoralist Conflicts in the Greater Horn of Africa (GhoA)*, paper presented at: 'Natural Resource Conflict in Africa-Is Water the New Oil?' United Nations Conference Centre, Addis Ababa, Ethiopia, 13 – 14 November 2008, p.6.

³⁵ Confidential interview conducted in Uasin Gishu District, Rift Valley Province, September 2009.

³⁶ Osamba J.O., *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*, in: *African Journal on Conflict Resolution*, 2000, p.25.

³⁷ Interviews conducted in Uasin Gishu District, Rift Valley Province, August-September 2009.

³⁸ International Crisis Group, *Kenya In Crisis*, International Crisis Group, 2008.

³⁹ Confidential Interviews conducted in Uasin Gishu, Rift Valley Province, August – September 2009. For more information see: Akiwumi Commission, *The Akiwumi Report*, Nairobi, 1999; Human Rights Watch, *Playing With Fire*, 2002; Human Rights Watch, *From Ballots to Bullets*, 2008; International Crisis Group, *Kenya In Crisis*, 2008; Waki Commission, *The Waki Report*, Nairobi, 2008

scale and highly organized commercial raids. They are also thought to sell cattle on black markets. There have been reports of politicians supposedly contracting mercenary militias to violate and kill alleged supporters of rivaling political parties and to conduct cattle raids as to “generate funds for electoral campaigns”⁴⁰⁻⁴¹⁻⁴². High ranked politicians in North Rift are known to have participated in local meetings where they stirred up discontented communities. They have also facilitated and provided transport and other logistics for warrior militias⁴³. Accusations also include acting indifferent towards large scale violence and raids⁴⁴.

Obviously we should look for involvement of administrators and officials in the those areas where they exert their authority. Chiefs and sub-chiefs can and sometimes do play a significant role in conflict in their respective administrative Location and Sub Location. District Commissioners can wield power mainly in their own administrative District and so on. The same goes for local politicians. High ranked politicians have a broader radius of action. However, they are most prominently active in the regions from which they draw political support. This often parallels regions with a high population of their ‘ethnic kin’ or their region of origin.

Box 2. Kenyatta, Moi and the institutionalization of violence

The political involvement in violence throughout Kenya has been subject to a lot of discussion. However, there is a wide consensus on the fact that violence has become a part of the country’s political climate since the birth of independence. The first president Mzee Jomo Kenyatta used both the carrot and the stick to maintain power. Where the use of violence during his reign was mainly in the hands of the State, the army and the police his successor Daniel Arap Moi significantly altered this. During the first part of his reign Moi consolidated his power much like his predecessor using both draconian repression by security forces against his opponents and their grass roots and rewarding his ethnic kin. However, from 1990, when Moi reluctantly allowed multiparty elections, political violence changed. Political figures, administrators and others close to the heart of the regime reportedly organized and supported violent gangs and militias to kill and displace opposition supporters. It is suggested that this pattern of extra-state violence may still exist today.

3.3 Kenyan security personnel

From 2008 until the end of 2010 a number of large scale operations were undertaken in the North Rift Region. These took place in contexts of severe security crises or disarmament operations. Both are often joint operations between Army personnel, Kenyan Police and Administration Police (AP).

In 2010 Kenyan Armed Forces numbered 24 000 of which 20 000 were Army, 1620 Navy and 2500 Air Forces. In this research we focus on the Army and Paramilitary forces. The latter, named General Service Unit (GSU) were 5000 strong in 2010⁴⁵.

Second under this title are Kenya National and Administrative Police Forces. The Kenya National Police reports to the commissioner of police and is a department of the Ministry of State for Provincial Administration and Internal Security. In 2003 Kenya National Police was about 35 000 strong. The Police Forces are headed by a Provincial Police Officer (PPO) in each province and further divided into divisions commanded by an Officer Commanding Police Division (OCPD) and police stations headed by an Officer Commanding Police Station (OCPS). The AP is another Police Force department with a separate hierarchy. It is headed by the Administration Police Commandant and has a presence in all provinces. Each is commanded by a Provincial Administration Police Commander (PAPC). The lower District

⁴⁰ Krätli S. and Swift J., *Understanding and Managing Pastoral Conflict in Kenya: A Literature Review*, Institute of Development Studies, University of Sussex, United Kingdom, 1999, p.3.

⁴¹ Mathangani P., *Report: How Police Killed 40 in Operation*, The Standard, 09 June 2009.

⁴² Interviews conducted in Uasin Gishu and Trans-Nzoia Districts, Rift Valley Province, August – September 2009.

⁴³ Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010.

⁴⁴ Waki Commission, *The Waki Report*, Nairobi, 2008; Osamba, J.O., *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*, in: *African Journal on Conflict Resolution*, 2000, p.3.

⁴⁵ The International Institute for Strategic Studies, *The Military Balance 2010: The annual assessment of global military capabilities and defence economics*, London, Routledge, 2010, pp.312-313.

Commands operate within their jurisdictions without directions from above save for issues of complaints⁴⁶.

During the post elections crisis in 2008 operations were undertaken to safeguard the security of and provide relief to the communities regardless of their ethnic backgrounds⁴⁷. Police and military were involved in organizing transport and security of internally displaced and responsible for clearing and protecting the main trade arteries such as railways and highways in the area. The official role of the military did not include intervention in cases of violence⁴⁸. A few cases set aside, police and military conduct in the North Rift during the post election crisis was generally not considered to be problematic – in contrast to other regions.

In 2009, however, large scale disarmament operations throughout the North Rift caused controversy. In line with the 2005 – failed – ‘Operation Dumisha Amani’ and the 2006 and 2007 operations ‘Okota 1’ and ‘Okota 2’ Kenya security personnel executed disarmament operations among, for example the Samburu community of the South-Eastern region of Samburu District⁴⁹. The operation was jointly carried out by the Kenya Army Personnel, AP, GSU and the Anti-Stock Theft Police Unit under the command of the PPO, Eastern Province, Mr. Jonathan Koskei⁵⁰. The troops were transported in trucks, lorries and reportedly 3 helicopters equipped with machine guns and missiles⁵¹. During these operations, the security forces allegedly used excessive and indiscriminate violence against unarmed civilians. Accusations include lack of action, looting, rape, and indiscriminate killings⁵²⁻⁵³⁻⁵⁴. Research suggests that Kenyan security personnel are likewise involved in arming various warrior groups⁵⁵.

Box 3. Kenya Police Reserve (KPR)

In an attempt to cope with the increasing insecurity in the region, the Kenyan Government has armed local defense units known as Kenya Police Reserve. The KPR can be depicted as a civilian militia operating outside central control and often indistinguishable from warriors or regular civilians in their appearance and equipment. They are mandated to respond to local crime and disputes. However, they are known to sell or hire their guns and ammunition for personal profit thereby facilitating the use of and raising the risk for violence¹.

¹ Bevan, J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Geneva: Small Arms Survey, June 2008, p.64, 66; Leff, J. *Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region*, International Journal of Conflict and Violence, 3(2), 2009, pp193-194

⁴⁶ Kenyan Administration Police, Operation and Deployment, <http://www.administrationpolice.go.ke/structure.php>, 28 February 2010

⁴⁷ Waki Commission, *The Waki Report*, Nairobi, 2008.

⁴⁸ Ibid.

⁴⁹ ‘Dumisha Amani’ translates as ‘maintain peace’ it was a voluntary weapons collection aimed and strengthening security and promised amnesty from prosecution. No force was used. The operation, however was unsuccessful. Operation ‘Okota 1’ succeeded operation Dumisha Amani and was a forceful disarmament operation targeting communities that had not cooperated during the first phase. Operation ‘Okota 2’ was the third phase of the plan aimed at improving economic situations as to cope with the root causes of arms possession.

⁵⁰ Kenya National Commission for Human Rights, *Fact Finding Mission Report on the Security Operation in Samburu Carried out on the 23th of February 2009*, 2009, p.4

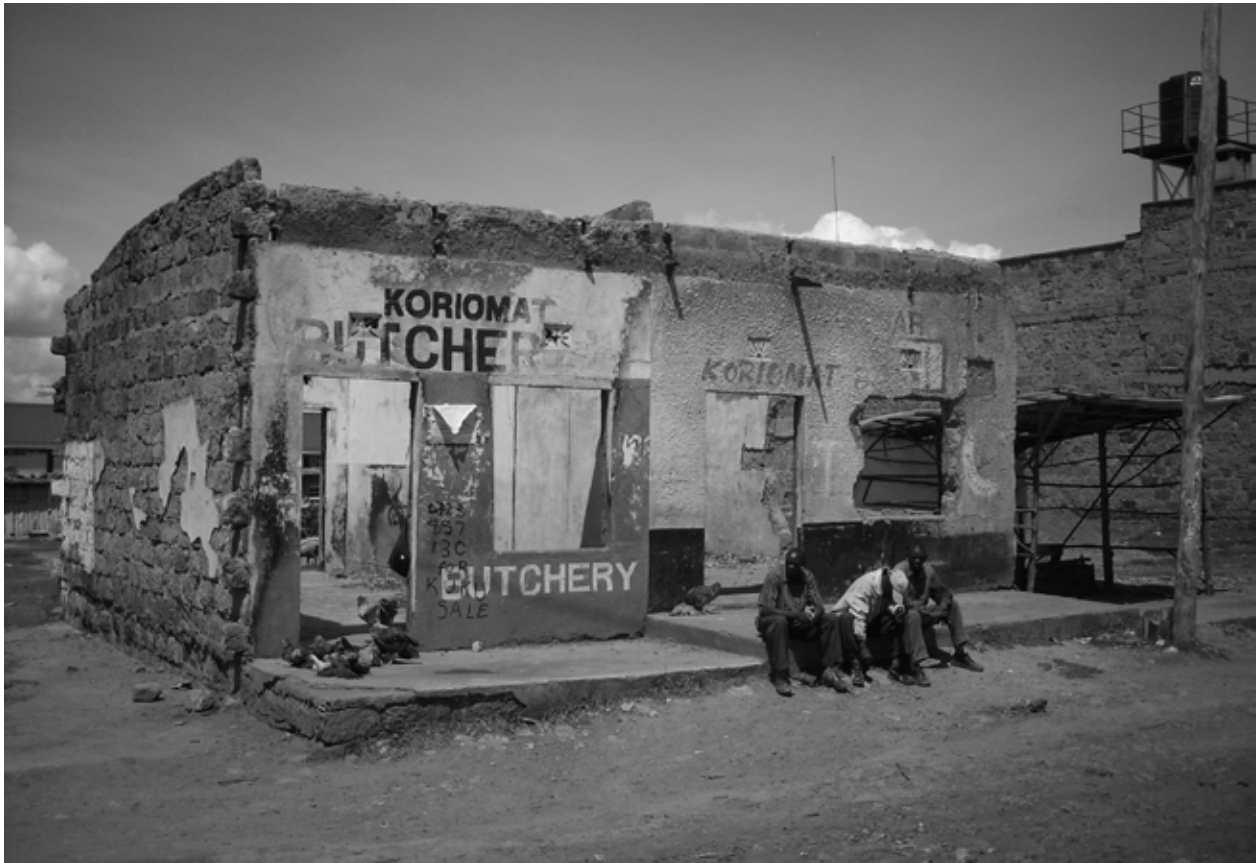
⁵¹ Ibid.

⁵² Waki Commission, *The Waki Report*, Nairobi, 2008.

⁵³ Interview Police Officer conducted in Langas Estate, Eldoret, September 2009.

⁵⁴ Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010, p.6.

⁵⁵ IPIS & Transarms-Research, *The Karamoja Cluster of Eastern Africa: Arms Transfers and Their Repercussions on Communal Security Perceptions*, Antwerp – Chicago, 2010; Bevan J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Small Arms Survey, June 2008.



Destroyed shops in Burnt Forest (Photo: Jan Van den Broeck, 2009).

4. Analysis

An analysis of conflict and violence in the North Rift Region is an analysis of multiple actors. This diversity of actors, actions and roles might indeed thwart a clear account of the situation. Therefore we will focus on what all actors in all regions share, namely sets of motivations in which their actions are grounded. Within these sets we can, amongst others, distinguish between economic, (ethno)political, and identity related undercurrents. Despite regional differences we find these everywhere in the North Rift.

In this chapter we discuss the motives that underlie the actions of the different parties involved in conflict throughout our region of interest. We will do so by focusing primarily on the actors following the levels of their involvement in the conflicts. This means that we first discuss armed groups and their motives throughout the entire region. We will thereby point out both regional similarities and differences in their motives. Subsequently, we will treat the involvement and motives of external parties such as politicians, officials and prominent community members. In a third and final paragraph we discuss the actions and motivations of Kenyan security personnel in Uasin Gishu, Trans-Nzoia, Samburu, Laikipia and Turkana.

4.1 Armed groups in the North Rift: Of traditions, survival and ethnic cleansing

Central in the media coverage and reports on violence in the North Rift are accounts of armed warrior groups affiliated to ethnic communities in the area. These armed groups can be distinguished from other actors by their roles in the conflict – the roles of fighters and violators –, the actions that come with these roles and the motivations that underpin these actions.

In Uasin Gishu and Trans-Nzoia districts, warrior groups performed widespread and coordinated attacks on a series of urban settlements and villages during the 2007-2008 post election violence which experienced its peak in this area. Warrior militias mostly targeted unarmed populations and security forces. They have been involved in petty theft as well as large scale destruction and brutal killings such as decapitations, burnings and mass murders⁵⁶. The brutality and extent of these attacks needs to be emphasized (TABLE 1).

TABLE 1: The Nature and extent of post election violence in Uasin Gishu and Trans-Nzoia ⁵⁷⁻⁵⁸

	Uasin Gishu	Trans-Nzoia
Fatalities (Total)	230	104
Gunshots	28	77
Sharp Objects (machetes, spears, arrows, ...)	92	21
Burns	32	3
Other crude weapons (cubs, sticks, stones, ...)	78	3
Injuries	505	511
Destructions (Domestic)	52611	5210
Displaced (IDP's)	21749	43661

Similar patterns of violence can be found in Laikipia, Samburu and Turkana. Here Turkana, Samburu, Pokot, Somali and other communities were (and are) involved in a broad scope of violent events. It is difficult to find out exactly how many incidents and confrontations take place in the area since most remain unreported.

The violence to which armed groups resort is often characterized by its large scale, high lethality and unseen brutality. Reports are made of warrior groups resorting to indiscriminate killings, torture and rape. Cultural Survival reported over 50 casualties in a series of events in Samburu and neighbouring Isiolo District from September 2008 until December 2009. Perpetrators were armed warrior groups, security forces and unknown assailants⁵⁹. OCHA Kenya mentions a much higher number of fatalities with Samburu and Isiolo both having more than 35 casualties between January and December 2009. A significant number of these can be attributed to a series of raids and counter raids between Borana and Samburu militias. According to OCHA Laikipia suffered between 5 and 35 casualties during the same period. This number is likely to refer to one large scale Pokot attack Samburu *manyattas* that took place in

⁵⁶ Confidential interviews conducted in Uasin Gishu District, , August-September 2009.

⁵⁷ Waki Commission, *The Waki Report*, Nairobi, 2008.

⁵⁸ Notice the high numbers of deadly casualties from crude weapons in Uasin Gishu. Also notice the discrepancy in gunshot fatalities between both districts. We attribute this to a difference in the spread of firearms between both districts. Most killings by gunshots have been ascribed to police violence. In Uasin Gishu this is most likely the case although it is very difficult to find clear information on the number of police killings in the district. For Trans-Nzoia however, we do wish to point out that government ammunition and weapons circulate(d) among civilians in the area. Besides this, firearms were and are widespread due to the district's proximity to the Ugandan border, a situations of protracted pastoral conflict along the border with West-Pokot District and the presence of the Mt. Elgon conflict and the SLDF at the time. In the course of 2008 a government crackdown on illegal arms in the district took place. It seems therefore unlikely that all 77 casualties by gunshots can be ascribed to the police.

⁵⁹ Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010, p.16.

Kanampiu in Laikipia close to the Samburu border (BOX 4) ⁶⁰⁻⁶¹. Again according to OCHA, 2010 was more peaceful in the Samburu area with 12 confirmed deadly casualties between January and December⁶². Our respondents also confirmed – but did not specify – high numbers of displacements in the Laikipia and Samburu area.

As we wrote before, Turkana counts as the most violent district in the North Rift. At least 111 people were killed in Turkana District in 2010⁶³. We found no specific numbers for 2009 but a map published by OCHA Kenya suggests that there were more than 35 fatalities in Turkana District between January and December 2009⁶⁴. However, these numbers are all but complete. The actual number of victims is no doubt much higher since most events remain unreported.

The question remains as to what lies behind these ferocious, large scale killings. What has driven these people in Uasin Gishu, Samburu and elsewhere to commit such acts of violence against their neighbours? To answer this question we start from the recognition that, although conflict in the North Rift has changed a lot over the last decades it still carries in itself the traits of traditional conflicts and motives that can be retraced to images of incompatible cultural difference. We will further argue that, rather than being rigid classifications these cultural cavities are created and recreated against a context of economic hardships, social immobility, state insufficiency and political ambitions.

Box 4. Atrocities along the Samburu District boundaries: a short depiction of 2 case examples

Throughout 2009 the Samburu communities along the Isiolo and Laikipia border suffered a number of unusually large scale and violent attacks. In the beginning of the year a series of raids and rejoinder raids by Borana and Samburu armed warriors escalated to a full scale conflict resulting in numerous casualties and the loss of hundreds of cattle. During these attacks Borana warriors have allegedly violated men, women and children in an extremely cruel way raping, beating and killing people in their sleep, slitting their throats and so on. They are also said to have kidnapped 4 children age 7, 8 and 9 on two separate occasions. Reportedly, all 4 of them were later found hanging from a tree with their throats cut and their bodies skinned¹.

On the 15th of September 2009 at least 400 Pokot raiders attacked a Samburu settlement in Kanampiu, Laikipia close to the Samburu border. The raid resulted in the dead of 21 villagers, among them 8 children and 3 women, and 11 Pokot attackers. Only very little cattle was stolen during the attack leading the Samburu to think that it was aimed at diminishing their communities or at least evicting them from their lands. The victims were shocked by the unusual large scale of the attacks and the fact that the raiders were so well equipped².

¹ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009.

² OCHA Kenya, 32 *Die in Cattle Raid: Situation Report no.1* 17.09.2009, 17 September 2009.

The (not so) changing nature of conflict: SALW's, politics, traditional conflict and the Paradoxical Decline of Tradition.

Confrontations and incidents in the region often appear as clear illustrations of the changing nature of conflict from a cultural practice sanctioned and controlled by traditional institutions into a commercial, international and political undertaking⁶⁵.

A lot of this change can be attributed to the increased prevalence of so called 'small arms and light weapons' (SALW) in the area. Pastoral communities in the North Rift provide a excellent market for fire arms. Where they traditionally relied on bows, arrows, spears, *pangas* and *rungus* for protection and warfare they now resort to cheap and easy to use assault rifles such as the AK-47 and the G-3 rifles

⁶⁰ A manyatta is a traditional pastoralist homestead consisting of a series of huts often in a circular pattern around a cattle enclosure.

⁶¹ OCHA Kenya, *Map Graphic; Pastoral Hotspots in Kenya by District (January – December 2009)*, 04 February 2010, OCHA Kenya, 32 *Die in Cattle Raid: Situation Report No.1* 17.09.2009, 17 September 2010.

⁶² OCHA Kenya, *Tracking of Killings and Displacement in Pastoral Areas: Annual Review 2010*, 29 December 2010.

⁶³ Ibid.

⁶⁴ OCHA Kenya, *Intensity of Pastoralist Fatalities in Kenya by District*, 04 February 2010.

⁶⁵ Osamba J.O., *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*, in: *African Journal on Conflict Resolution*, 2000, p.12

which are relatively cheap due to high availability⁶⁶. This can be attributed to the influx of weapons from neighbouring countries Uganda, (South) Sudan, Ethiopia and Somalia. In addition to this, the Kenyan State has likewise contributed to the increased use of firearms and the consequent changes in the behaviour of armed groups through its security personnel and other representatives.

Pastoral communities arm themselves for various reasons. Firstly, they need arms for protection from warrior groups of other communities. Firearms thus provide an excellent and easily available answer to Kenya's failing security measures. Secondly, they are used for raids and conflict. Third, guns are an excellent investment that can be exchanged for cattle and other goods. Lastly, and this is largely entwined with the previous point, guns give status. Gun ownership opens doors towards power positions that were previously unreachable.

The availability of SALW's has scaled up the number of fatalities and indiscriminate killings. The disappearance of hand-to-hand and face-to-face fighting significantly reduced the possibility of targeting particular categories of people and avoiding others. This resulted in an extensive transformation of conflict and violence in the North Rift and the greater region of Eastern Africa. This transformation can be seen everywhere in the North Rift except maybe for Uasin Gishu where, as said, firearms are less common. Eulenberger writes that in Northern Turkana most of the raiding is done with AK47's, G3 and FN rifles and that "although it is difficult to say how much brutality was already present in the era of the spear, it seems that the brutalization of the war that had started in other areas spread like a disease into the modes of of pastoralist conflict"⁶⁷. The impression that raids have changed due to the increased use of automatic guns is supported by the people of the North Rift themselves especially when it comes to violence against women and children. Our sources agreed the high availability of SALW's to be one of the most important undercurrents of conflict in the area. They also support the claims that this is one of the driving powers behind the transformation conflict in the region has gone through since the 1980's⁶⁸.

The alterations in conflict patterns ask for a focus that points out actors, roles and motivations in a context of increasing economic and political stakes, changing ecological conditions and altered social needs as a rapidly changing Kenyan society increasingly penetrates into the lives of pastoralists and rural and urban poor. According to Krätli and Swift it is the recognition of these processes of change that has resulted in a categorization of internal and external causes of pastoral – and other – conflict in Kenya and elsewhere. With internal referring to small-scale sustainable, redistributive raiding driven by traditional interests and external usually associated with large scale predatory and destructive raiding driven by political and commercial interests. However, while the latter has become increasingly important, in line with these authors our research suggests that this penetration has not straight away eradicated the traditional undercurrents of conflict. On the contrary, 'traditional' and 'modern' overlap more often than they exclude each other⁶⁹. Commercialization or politicization of raids do not exclude the influence of traditional symbolism. Consequently, the internal – external differentiation should not be seen as a dichotomous separation. Rather it is to be understood as a continuum within which all cases fall. A series of small-scaled traditional incidents and confrontations might trigger an escalating cycle of violent retaliatory attacks eventually leading to large scale highly destructive assaults that might even involve hired groups of mercenary raiders. External interests, be they commercial or political are most likely to be entwined with a pre-existent situation of insecurity. Traditional motives remain part of conflicts in the North Rift and the degree and impact of both traditional traits and 'modern' trends and tendencies differs from one locality to the other⁷⁰.

A clear example of this can be found in the violence that came in the wake of the 2007 general elections. During and after the post election violence the communities of Uasin Gishu and Trans-Nzoia and their

⁶⁶ Prices for AK-47 and G-3 assault rifles range anywhere between 25000 to 40000 Kenyan Shillings which is about 250 to 400 euros.

⁶⁷ Eulenberger, I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, pp.39-40.

⁶⁸ Personal Communications, April 2010 (email).

⁶⁹ Krätli S. and Swift J., *Understanding and Managing Pastoral Conflict in Kenya: A Literature Review*, Institute of Development Studies, University of Sussex, United Kingdom, 1999, pp.10-11, p.23.

⁷⁰ Osamba J.O., *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*, in: *African Journal on Conflict Resolution*, 2000, p.13.

armed warriors advanced several agendas other than 'traditional' feelings of ethno-cultural antagonism. The most obvious was political and related to a feeling of injustice due to the supposed rigging of the elections. They confronted their political adversaries as retaliation for the alleged fraud.

Neither in Turkana nor in Samburu or Laikipia districts was this agenda so explicitly manifested. Nevertheless, political representation is of great importance for many pastoral communities. Consequently, there are connections – be it to a lesser extent – between the post election violence and pastoral conflicts particularly in Laikipia⁷¹. And because the Samburu were – and still are – aligned to another political party (ODM) than for example the Borana (PNU) this has contributed to an increase of tensions in and around Samburu District at times of heightened political competition⁷². In the 2007 elections, Samburu and Turkana communities voted for ODP candidates, while Borana and Somali voters in Isiolo supported Kuti, who ran under the PNU umbrella. The 2007 election was ethnically polarized, and killings and thefts since then have only served to reinforce ethnic divisions. One has to keep in mind, however, that political alliances at the grass roots can and do change as collaborations change at the political top-level.

Despite its political significance, violence in the North Rift is rich in traditional connotations. During the post election violence Kalenjin militias in Uasin Gishu were ascribed the features and duties of traditional warriors. Whilst performing their raids they reportedly sung traditional Nandi warsongs. Elders are believed to have blessed their warriors at the advent of a violent confrontation. And in their discourses they expressed profound feelings of communal belonging and responsibility. At the time the Kalenjin community of the North Rift was said "to be together as one to go against the *bunyo*"⁷³⁻⁷⁴. The fraudulent elections were perceived as an attack on the community as a whole. Consequently, armed men claimed to defend the community by violently confronting their neighbours. They claimed to protect their Kalenjin kin from dangers posed by neighbouring – enemy – communities. In this they were driven by pervasive feelings of ethnic communality and antipathy that bring with them a series of culturally prescribed actions and responsibilities.

Similar tendencies can be seen in the conflict between Samburu, Pokot and Borana. Tradition is "not alien" to conflict in Samburu, Laikipia and neighbouring districts⁷⁵. Respondents to the KHRC mentioned how a traditional culture of *morans* and warriorship is still relevant with young men, eager to be considered mature and often pushed by young women to set a reputation and to generate wealth as to be able to marry and start a family in the future⁷⁶. To do so, they rely on what has always served as a cornerstone for social mobility namely cattle raids.

In all districts violence was loaded with ethnic symbolism. Male genital mutilations such as forced circumcision reflect deeply entrenched understandings about manhood⁷⁷. In Samburu District armed militias cut off the hair of Samburu warriors thereby taking away one of the most important tokens of masculinity⁷⁸. By the same token, the case of 4 abducted children found dead hanging from a tree with their skins ripped off is sometimes believed to point towards highly ritualized modes of warfare⁷⁹. Furthermore, rape, mass murders and decapitations reflect deeply seeded socio-cultural ideas of geographical belonging and interdependent images of cultural purity, contamination and danger as we will demonstrate later on.

Nevertheless, simultaneously – and paradoxically – the influence of traditional precepts and institutions is under a lot of pressure. This translates in and is caused by a "weakening of traditional governance" and "a new generation of youth that disregard the authority of elders by obtaining wealth through militia formation"⁸⁰. In this context Eulenberger mentions that the increase of SALW's in the border regions of

⁷¹ Personal Communication with Straight B., *Pastoral conflict in Samburu and Laikipia*, 10 April 2011, (email)

⁷² Personal Communication with Lesakale F., *Tradition and Conflict in Samburu*, 20 April 2011 (email).

⁷³ 'Bunyo' is the Kiswahili word for 'enemy'.

⁷⁴ Confidential interview conducted in Uasin Gishu District, Rift Valley Province, September 2009.

⁷⁵ Personal Communication with Lesakale F., *Tradition and Conflict in Samburu*, 20 April 2011 (email).

⁷⁶ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009

⁷⁷ Confidential interviews conducted in Uasin Gishu and Trans-Nzoia Districts, September 2009.

⁷⁸ Confidential personal communication, April 2011 (email)

⁷⁹ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p.18.

⁸⁰ Leff J., *Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region*, *International Journal of Conflict and Violence*, Vol.3, No.2, 2009, p. 192, 193.

northern Turkana, southern Sudan and Uganda eroded “the traditional authority that the elders of local communities used to exercise on the youth”⁸¹. Bevan too writes that “although at times warriors have probably always acted alone, interviews among the region’s communities point strongly to increasing problems associated with warriors acting outside the framework of community-sanctioned raids”⁸². “It is an age conflict too” a Kalenjin villager elder claimed. He recalled how, at a given point during the post election violence young men around Eldoret would turn against their elders⁸³. The KHRC reported how the infamous Pokot attack of September 2009 against Samburu communities at Kanampiu near the Laikipia – Samburu border was conducted in disregard of the Pokot elders who had positioned themselves against the attacks⁸⁴. By the same token, Samburu elders were very critical of the warrior groups that had initiated raids against the neighbouring communities, including the one that brought about the first security operation in the area⁸⁵. All of this indicates how traditional institutions that used to govern conflict practices are being openly questioned, ignored and even violently opposed by the younger generation. Obviously, this reflects directly in the use of violence. Wholesale violent assaults against women, children and unarmed men and large scale coordinated attacks resulting in the complete destruction of residences and livelihoods can partly be attributed to the decreasing impact of traditional regulations on conflict in the North Rift.

This decrease is the result of a process that includes the infiltration of a global market economy and neo-liberal policies on the one hand and processes of bureaucratic state building on the other. The former brought with it both an increasing economic polarization and new sources of wealth, social mobility and influence in wage labour, criminal and warlike activities or combinations of both. The latter is manifested in the erosion of traditional governance by – among other causes – the incorporation of traditional leaders in official institutions or their replacement with government officials. The process of incorporation, in which prominent, authoritative community members also represent state authority and often benefit from the privileges of this position – such as exclusive access rights to resources – has often brought about an increasing distrust against traditional leaders⁸⁶. This is especially so when the profits of state presence do not trickle down to the grassroots, when social policies bear little fruit and peace, social security, justice and employment dividends are few.

State insufficiency and impunity

On this condition of decreasing traditional authority and state insufficiency impunity has prospered. Armed groups act within a pervasive culture of impunity. Situated at the heart of the post election violence and other conflicts this culture “has become the hallmark of violence and other crimes in the country”⁸⁷. As a result, impunity has become normalized in the country with high level and local potentates as well as armed groups resorting to excessive brutalities without running the risk of being held accountable. This has led to a continuous increase and further diffusion of violence. Over the years, violence has become a factor of daily life in every segment of Kenyan society because very little is done to bring justice to both victims and perpetrators. Ineffective and inappropriate government responses to pastoral conflicts in the area and a general state of lawlessness have turned impunity into an evidency making it a primary undercurrent for armed conflict.

Members of the Samburu community reported to the KHRC how they found police laxity to be contributing to insecurity and violence. Police do not, or inadequately respond after being informed about attacks. Both Pokot and Samburu interviewees mentioned insufficient interventions by officials and politicians. They claim local and national governments hardly ever bring justice to the people. Security personnel very rarely manages to arrest and bring to court the alleged perpetrators⁸⁸. This was

⁸¹ Eulenberger, I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, p.40.

⁸² Bevan, J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Geneva: Small Arms Survey, June 2008, p.24.

⁸³ Confidential interview conducted in Uasin Gishu District, Rift Valley Province, September 2009

⁸⁴ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p.7.

⁸⁵ Personal Communication with Fratkan E., *Violence in Samburu*, 28 February 2011 (email).

⁸⁶ Leff J., *Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region*, *International Journal of Conflict and Violence*, Vol.3, No.2, 2009, p.193; Krätli S. and Swift J., *Understanding and Managing Pastoral Conflict in Kenya: A Literature Review*, Institute of Development Studies, University of Sussex, United Kingdom, 1999, p.31.

⁸⁷ Waki Commission, *The Waki Report*, Nairobi, 2008, p.vii.

⁸⁸ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009.

confirmed to us by our respondents who stated that impunity serves as one of the inducing factors for conflict in all pastoral areas of the North Rift with armed groups roaming freely because justice does not reach the grass roots and politicians are unable or unwilling to change this situation⁸⁹. In Turkana too, people are asking about the “role of local authorities who seem not to show any sign of activity against these incidents”⁹⁰. We recorded similar accounts in Uasin Gishu and Trans-Nzoia. Here, all communities agreed that a general state of impunity lies at the heart of the 2007-2008 post election crisis and earlier cases of severe conflict⁹¹.

Several commissions and international organisations have reported on multiple cases of impunity since the early 1990's. However, very little is done to put the perpetrators to trial. Years of lawlessness and impunity have hollowed out the legitimacy of the Kenyan judicial authorities and the capabilities of the State to construct frameworks on which transparent courts could be erected. Consequently, armed groups can move freely because chances are small they will be brought to court but also because Kenyan Law and its representatives themselves lack legitimacy.

Consequently, where the state fails to bring security and justice it indirectly succeeds in bringing the exact opposite. “State institutions do not reach the grassroots. So people feel as if there is no justice at all so they create their own justice”⁹². As we wrote, for the people of the North Rift guns are a means to provide security. In all districts retaliatory attacks occur to bring justice for the lives lost or the damage suffered in an earlier raid. These could trigger endless cycles of violence resulting in many deadly casualties.

Government neglect, hardships, competition and the urge to survive.

Today, despite its agricultural richness – the area is considered to be Kenya's bread basket –, strategic location – on the highway that links Nairobi and Nakuru with Kisumu, Kitale and Uganda – and its ties with the political top-class during the Moi regime – with Moi himself being born in the region – unemployment and poverty in Uasin Gishu and Trans-Nzoia are widespread and persistent.

By the same token, Kenyan authorities have created, or at least greatly contributed to the situation of marginalization that typifies the position of pastoral communities. Colonial and post-colonial policies have pushed pastoralists in the North Rift towards the socio-economic and geographical peripheries of Kenyan society. Job opportunities are insufficient and the struggle for survival and progress is tough⁹³. Development plans largely fail to take into account the needs of the pastoral communities. This resulted in widespread illiteracy and chronic underdevelopment that are reinforced by recurrent, ever more frequent and severe periods of drought. These droughts bring about food insecurity, migration streams and deadly casualties. On top of this they have caused the deaths of millions of livestock thereby rendering livestock economy incredibly fragile⁹⁴. As a consequence the material foundation of pastoral economy has been disrupted⁹⁵.

In other words, economic and political processes and policies have not only hollowed out traditional morality and ruptured the social organisation of communities in the North Rift. They have likewise devastated the economic and material basis “on which people's lives were hinged”⁹⁶.

Economic uncertainty due to increasing demographic and ecological pressures, government neglect and failing policies seems to have the biggest impact on the younger generations hence the intergenerational tensions we mentioned above. The despair of young men regarding their economic and physical situation is widely agreed to be one of the underlying causes of conflict in the North Rift⁹⁷. Consequently,

⁸⁹ Personal Communication with Lesakale F., Lesorogol C., Lolwerikoi M. and Straight B. *Impunity and conflict in the North Rift*, March-April 2011.

⁹⁰ Eulenberger, I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, p.51.

⁹¹ Interviews conducted in Uasin Gishu and Trans-Nzoia, August – September 2009.

⁹² Confidential interview conducted in Uasin Gishu, September 2009.

⁹³ Eulenberger, I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, p.50.

⁹⁴ Personal communication with Lesakale F., *Undercurrents of pastoral conflict*, 19 April 2011 (email).

⁹⁵ Osamba J.O., *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*, in: *African Journal on Conflict Resolution*, 2000, p.14.

⁹⁶ Ibid.

⁹⁷ Interviews conducted in Uasin Gishu District, August – September 2009.

some of the violence can be retraced to economic competition over various scarce resources, survival and opportunism⁹⁸.

In Uasin Gishu and Trans-Nzoia young men saw in the political crisis and the chaos that followed a chance to grab the means that would get them through the day, a chance to profit from a situation of lawlessness and upheaval. Their actions reveal their urge to survive and to enrich themselves. "At first", a police officer said, "the violence was spontaneous, as a cause of the political crisis but also rooted in poverty"⁹⁹. Armed youths and bandits formed marauding gangs and took advantage of the situation to start stealing, robbing and looting. In the political crisis they saw a possibility to ensure their survival and to make material profits. This kind of violence was often depicted by a high level of spontaneity and a consequent lower amount of coordination.

In other parts of the North Rift a combination of ecological hardships, socio-economic competition and political insufficiency resulted in a situation in which young men are easily seduced to organize themselves for raids against neighbouring communities and disperse them from their grazing lands only to ensure their own well-being and maybe even a better future. In a report of a Toposa – Turkana emergency peace dialogue, access to resources, grazing areas and water in combination with insufficient employment and hardships surfaces as a major motive for armed violence¹⁰⁰. Also in Northern Turkana small groups of young warriors are often tempted to launch raids, irrespective of the wishes of their community, to acquire livestock and the consequent increase in prosperity this brings¹⁰¹.

These incidents and confrontations are usually typified by a smaller scale, a lower level of organisation and a lower number of deadly casualties. Such cases took place in Samburu District when 3 armed men stole 11 heads of cattle from livestock traders on the 21st of May 2010 or when 6 Pokot raiders stole 4 heads of cattle in Trans-Nzoia in December 2009. In this they are very similar to acts of so called 'traditional' violence. Indeed, these small scaled cattle raids are often survival strategies as much as they are communal and socio-cultural responses to calamities or situations of hardships. As pastoralists draw back on traditional systems of organisation for social mobility so do they turn towards familiar practices to ensure survival in times of dire need.

Economic crippling in Trans-Nzoia and Uasin Gishu

Other actions are aimed at the economic destruction of immigrant or undesired communities such as the Kikuyu and Luhya in Uasin Gishu and Trans-Nzoia. Victims of the raids stated that the militias propagated that they wanted to "knock them down to their level" thereby expressing the will to economically cripple their victims¹⁰². In contrast to minimally coordinated and small-scaled theft and looting, large scale displacements and destruction of foodcrops, businesses and investments cannot be explained by merely referring to motivations of survival or opportunism but by to the urge to weaken the economic position of the Kikuyu and other immigrant communities. This urge finds its roots in historical, intercommunal socio-economic and land grievances. These come from feelings of (political and economic) marginalization by mainly the – Kikuyu headed – Kenyatta and Kibaki governments and perceived injustices in land allocations and resource ownership by the Kikuyu. This community is said to have received huge plots of land by the hand of Mzee Jomo Kenyatta shortly after independence. During this time they migrated *en masse* to Rift Valley Province to inhabit former 'white farms' on Kalenjin ancestral lands. According to the Kalenjin community these land allocations and the subsequent resource exploitation by immigrant communities on Kalenjin ancestral land are illegitimate and unjustifiable. Again, socio-cultural dispositions – regarding land and ancestry – are entwined with economic undercurrents of conflict and violence.

⁹⁸ Although survival and opportunism appear to be two different motives we often use them together because the violence that comes from these motivations reveals remarkable similarities in shape and form. Also, both are grounded in the same conditions of socio-economic hardships. Hence, opportunism and survival are intertwined to the extent that it is reasonable to say that opportunism – being the practice of taking advantage of circumstances in order to achieve rather selfish ends – can sometimes be considered as survival behaviour.

⁹⁹ Interview with Police Officer conducted in Langas, Uasin Gishu District, 17 September 2009.

¹⁰⁰ Eulenberger, I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009.

¹⁰¹ Bevan, J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Geneva: Small Arms Survey, June 2008, p.24.

¹⁰² Interviews conducted in Uasin Gishu and Trans-Nzoia Districts, August – September, 2009.

Large scale displacements, destruction and theft also occur in other parts of the North Rift. However, we did not come across evidence that suggests these are grounded in a desire to economically cripple neighbouring communities. We found nothing that suggest that Samburu, Pokot, Borana, Turkana and other communities want to 'knock down' other communities. Of course the displacement from and occupation of territory or the theft of livestock parallels a socio-economic relapse for the victimized group. Nevertheless, this does not imply that the relapse itself is the primary motivation. The grievances due to feelings of marginalization that underpin violence motivated by the urge to economically cripple the neighbouring communities in Trans-Nzoia and Uasin Gishu are much less explicit among pastoral communities of the North Rift. Marginalization affects most pastoralists equally. Respondents to the KHRC confirmed that the entire region and all its communities - Borana, Somali, Rendile, Turkana, Samburu and Pokot are subject to government neglect. Allegations of government favoritism exist but not to the extent that it leads to widespread ethnic animosities as it does in Trans-Nzoia and Uasin Gishu. Marginalization does surface as a motive for conflict in the discourse of the people in Samburu and Laikipia. But it does more so as an explanation of socio-economical hardships and inferiority compared to other regions than it does as a direct appeal to intercommunal grievances and images of insurmountable ethnic difference¹⁰³.

Commercialized (pastoral) conflict and new paths towards wealth and mobility

Comprehensive, well organized raids leading to destruction and displacement in the ASAL regions of the North Rift find direct cause in the incorporation of pastoral economies in global trade systems. Rather than being directed at economic destruction, survival, retaliation or personal enrichment they are aimed at accumulation and international trade. The stolen livestock is put on the market or used to supply larger towns. More than in Trans-Nzoia and Uasin Gishu, conflict in the ASAL regions of the North Rift is highly commercialized. As the adaptation of a neo-liberal perspective since the 1980's has resulted in commercial livestock economy and an orientation towards wage labour, conflict in the area came to reveal similar characteristics. The process of incorporation into global market economies not only brought about increased economic uncertainty and poverty. It also paved new paths towards socio-economic mobility and wealth for armed militias and the emergence of local political elites and businessmen that are attracted to conflict because of "economic incentives that did not previously exist"¹⁰⁴.

Such commercial raids are typified by a higher level of organisation, better equipped militias, larger scale and exacerbated brutality. Whereas traditional and survival motivated small-scaled raiding does not deplete entire stocks, these commercialized raids with elaborate planning and logistical know-how can render entire communities destitute¹⁰⁵. According to the KHRC report more than 4000 livestock were stolen from Samburu communities by Borana militias. Allegedly, most of the livestock was sold. Also, following the testimonies of the Maralal County Councillor Jeremia Leiririo to the Commission, commercial dimensions are equally relevant for the Kanampiu area in the conflict between Pokot and Samburu. The Councillor stated allegations of commercialized cattle rustling in the area should be taken seriously because the stolen livestock is rarely seen in the Pokot *bomas*¹⁰⁶. Some of the cattle allegedly ends up at an auction at Lekuru and at Olmoran Samburu¹⁰⁷. Others testified to the Commission how cows are being exchanged for 1000 Kenyan Shillings per cow in Isiolo. Some claimed cattle are taken to Nairobi, Darogeti and Nanyuki. Our respondents all agreed the Borana attacks of September 2009 on Samburu communities were at least partly driven by commercial interests¹⁰⁸. They argued that the sheer scale of the raids, the heavily armed militias and the fact that it showed high levels of coordination with hundreds of cattle being transported on trucks and lorries undeniably points towards highly commercialized raiding. None of them however could specify where these cattle were headed to and for whom they were destined.

¹⁰³ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009.

¹⁰⁴ Leff J., Pastoralists at War: Violence and Security in the Kenya-Sudan-Uganda Border Region, *International Journal of Conflict and Violence*, Vol.3, No.2, 2009, p.193.

¹⁰⁵ Ibid.

¹⁰⁶ A boma is a traditional homestead and cattle enclosure.

¹⁰⁷ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p.8

¹⁰⁸ Personal communication with Straight, B., Lesakale F. & Lolwerikoi M., April 2010 (email); Telephone Interviews with Carolyn Lesorogol, Fred Lesakale and Michael Lolwerikoi, April 2010

These commercial raids are often organized around wage labour. The monetarization of the pastoral livestock economy brought about a ditto development of pastoral conflict in the North Rift as young men find in raiding activities possibilities for social, economic and political mobility that previously were not there. These activities appear to fill the gap that the influx of neo-liberal market policies have left when they ravaged through pastoral economies. Commercial raiding provides access to spoils and benefits that were traditionally the privilege of the elders and previously inaccessible due to poor economic conditions. Salaries and revenues from illegal raiding activities bring about socio-economic improvement but also (political) power through increased purchasing powers. With the money made from waged raiding men can provide for themselves and their families. It allows them to purchase cattle, luxury items and also guns which opens doors to prestige and power positions. As a result, the new opportunities that come with waged raiding are to be considered a primary motivation for armed conflict in the North Rift. This process has fuelled accounts of mercenary militias offering their services to the highest bidder. Research suggests that it is very likely that warriors from within and outside the different pastoral societies are “paid into service” by power figures that act as conflict entrepreneurs¹⁰⁹.

The viable land, the land of ancestors and ethnic atrocities

In all districts land issues occupy a central position in conflicts especially since the (re)introduction of multi-party politics in 1991. In the contested borderlands of northern Turkana claims on land are an important motive for armed violence. Here incompatible claims on land are made out of economic, political and identity concerns relying on international agreements, legal title deeds or ancestral ties to the land. In land all aspects of social life culminates. From livelihoods and economics over politics, demography and ecology to ancestry, spirituality and religion all are, in one way or another related to the land.

Firstly, people seek in land resources and material satisfaction. Consequently, if land surfaces as a motivation for conflict this has a lot to do with its importance as a provider of livelihoods in times of intense demographic, ecological and economic pressures. In Uasin Gishu and Trans-Nzoia warrior groups killed and displaced Kikuyu from their lands in order to gain access to its resources. Essentially than, land is to be understood as a variable – a scarce resource – in the economic competition relationship between neighbouring groups. This is closely entwined with feelings of socio-economic marginalization as is illustrated in the statement of a young Kalenjin man who said that “the Kikuyu came here and they took our land, they took our land and they took our resources”¹¹⁰.

Land as a resource is one of the possible motives behind the devastating Pokot attack at Kanampiu and Kirimom in September 2009. Shocked by the brutality of the attack and the fact that no livestock was stolen during the raid members of the Samburu community concluded that the attackers wanted to displace them from their lands so it would be left for the Pokot to occupy. Other sources claimed that the attacks could partly be explained by the desire of the Pokot to lay claim on Samburu land as to be able to graze their cattle on it¹¹¹. In focus group interviews with Pokot women the respondents stated that the struggle between the Pokot and Samburu for control and ownership over grazing land is a major contributor to the conflict. Members of the Turkana community also testified to the KHRC how they are denied opportunity to own land in economically viable areas – near roads and towns. Other communities – mostly Borana – allegedly attack them in order to displace them from their land and occupy it themselves¹¹². Communities in northern Turkana mentioned contestation of fertile grazing lands to be one of the main undercurrents of conflict between Turkana and Toposa. “This cross border dispute is actually an issue of grazing land along our international border”¹¹³.

Secondly, people look in land for power. Occupying land in a certain region implies (political) power in that region. This is commonly referred to as the ‘power of numbers’ or ‘number politics’. In short, it means that the displacement from and occupation of land is used as a means to consolidate or extend political

¹⁰⁹ Osamba J.O., The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya, in: *African Journal on Conflict Resolution*, 2000, p.24.

¹¹⁰ Interviews conducted in Uasin Gishu District, August-September 2009.

¹¹¹ Telephone Interview IPIS with Fred Lesakale, *Pastoral Conflict in Samburu District*, 11 April 2011.

¹¹² Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009.

¹¹³ Eulenberger, I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, p.31.

influence. Since Kenyan politics largely develop along ethnic lines with politicians drawing back on their ethnic kin for support and people voting for 'one of their own' this essentially pits ethnic communities against each other in a struggle for 'politically viable' land. This too has been forwarded as a possible explanation for the Pokot raids at Kanampiu and Kirimon. Our respondents stated that the targeted area is not teemed with resources. At the time pasture was not plenty and the area does not host any major water sources or rivers. Therefore they could not but conclude that besides resources, the struggle for enhanced political influence seems to be another, maybe more plausible motivation for armed conflict in the area¹¹⁴. These accounts also surface in the context of the confrontations in 2009 and 2010 between Samburu and Turkana on the one hand and Borana on the other. It is said that they were aimed at eliminating Samburu and Turkana presence in Eastern Samburu and neighbouring Isiolo North in order to expand and political power for the Borana community, or at least their political representatives¹¹⁵.

These accounts find confirmation in our field research in Trans-Nzoia and Uasin Gishu. Here people are concerned about the power that land ownership brings with it. Grounded in the widely accepted idea that numbers result in power Kikuyu presence on so called Kalenjin land is found to be politically unfavourable. Kikuyu migrations and consequent landownership in the area has lead to an significant number of Kikuyu on Kalenjin homelands. These Kikuyu allegedly vote for 'one of their own'. As a result they are able to attain political power in 'Kalenjin territory'. Motivated by this believe armed Kalenjin violently turned against the Kikuyu to impede them from expanding and consolidating their power.

Against this background a motivation for sexual violence in the larger North Rift can also be found. Cases of rape and gang rape are omnibound throughout the region. This sexual violence is to be understood as attempts to socially kill the victim and thereby seriously disrupt his or her social environment. Rape is 'social murder', an act to undermine the social fabric of an entire community and hence a violent attempt to disperse them. A welcome consequence might indeed be the disruption of (perceived) power positions of the victimized community.

Competition over scarce resources and the struggle for political power can provide us with insight into the motives that underlie some cases of displacement and killings. However, they cannot explain the extreme brutality and horrific character of other events. At certain occasions conflict in the North Rift resembled – and still resembles – attempts towards ethnic cleansing. To understand what motivates this we must again look at the issue of land. In land people of the North Rift search for meaning. "A Kalenjin lives by virtue of the land. You take away his land, you take away his reason to live"¹¹⁶. This way, land provides a basis for antagonizing ethnic identities. This is clearly manifested in the notions of *madoadoa*, *sangara* and *makwekwe* and the debate around *majimboism* that still are very common around Uasin Gishu and Trans-Nzoia (BOX 5).

The attacks on Kikuyu, Luhya and other communities in Uasin Gishu and Trans-Nzoia are not merely politically and economically motivated. They are identity or ethnic conflicts too. They originate from historical grievances and intimate cultural understandings such as *makwekwe* and *madoadoa* that draw distinct and insurmountable boundaries between communities. In this the Kalenjin perceive Kikuyu and Luhya presence on what they consider to be their ancestral lands not only as economically and politically detrimental, illegitimate and unjust but also as a profound threat to Kalenjin socio-cultural persistence. These notions allow the Kalenjin and other communities to translate economic and political hardships, competition and struggle into conflict revolving around incompatible ethnic identities. They are part of a collective memory that is constructed around a fundamental we-versus-they duality. They are the discursive recontextualisation and reinterpretation of violent histories in order to disambiguate social realities and create clear boundaries between friends and foes. They also allow for a degradation and dehumanization of the opponent.

This process starts with the depiction of the adversary as an enemy. This not only allows for a far reaching social juxtaposition but also for ascriptions of everything that is believed to be bad, unclean, unjust and immoral. The enemy essentially embodies everything that you are not. He is a thief or a lazy idler, a land

¹¹⁴ Telephone Interview IPIS with Fred Lesakale, *Pastoral Conflict in Samburu District*, 11 April 2011; Telephone Interview IPIS with Carolyn Lesorogol, *Pastoral Conflict in Samburu District*, 08 April 2011.

¹¹⁵ Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010.

¹¹⁶ Interview conducted in Kesses, 05 September 2009.

grabbing immigrant, a violator, a criminal and so forth. Our research reveals the use of these everywhere across the North Rift. The description of the adversary as the enemy or as a murderer – Samburu sometimes depict the Pokot as child-murderers – a thief and so on is common in all regions. They even the path towards a further degradation, for example when Kalenjin refer to Kikuyu as madoadoa. In and around Samburu District the Pokot are referred to as ‘wild bushpeople’ while the Borana are alleged to refer to Samburu as ‘beasts’¹¹⁷. They reduce the adversaries to lesser persons and even inhuman entities. This paves the way towards violent extremities that cannot be explained by reference to economic and political considerations or social and material necessities but that need to be understood as cultural expressions of the most fundamental kind. They reveal a kind of violence that is meaningful beyond its political or economic instrumentality and linked to pervasive cultural values. Their usage explains why conflict in the North Rift, despite the fact that it is absorbed by neo-liberal and (post)modern processes and has consequently undergone great changes remains hinged on tradition for its legitimation and appearance. Here too, external actors play an important role for it is in the interplay between material, social and structural conditions and political discourse that ideas of insurmountable difference surface.

Box 5. Deadly agendas and murdering cultural understandings: a note on ‘majimboism’, ‘madoadoa’ and ‘makwekwe’

In Uasin Gishu and Trans-Nzoia immigrant communities are commonly referred to as madoadoa or makwekwe and less frequently sangara with the additional notation that they need to be removed or uprooted¹. These notions frequently appear together with that of majimboism. This is firstly a political agenda and secondly a highly cultural motivational mindset that reverberated widely among the warrior groups.

Majimboism translates as ‘federalism’ or ‘devolution’. It is used to refer to a system of regional or provincial autonomy and is mostly supported by the Kalenjin and a number of other, smaller communities. The main reason of support for this agenda is the belief that majimboism will lead to a more just redistribution of the ‘national cake’ or the nation’s resources. Implementation of majimboism implies exclusive control over resources and incomes generated in a certain region. It is therefore a strong protest and counter movement against policies of centralized accumulation and redistribution.

The majimboism debate has proven to be very divisive since it not only appeals to issues of economic and political well-being but also to feelings marginalization, injustice, geographical belonging (hence land) and ethnicity. It has been negatively associated with dispersing immigrant communities – people traditionally considered to come from another *jimbo* – and even ethnic cleansing in order to reclaim ancestral lands, resources and jobs. A lot of the violence that occurred around the 1992 and 1997 election violence was committed under the guise of majimboism.

Often closely related to majimboism are the notions of madoadoa, makwekwe and sangara. Madoadoa translates as ‘spots’. Makwekwe and sangara are both Kiswahili terms referring to ‘weeds’ or ‘wild grasses’. All are highly derogatory terms with deep cultural connotations signifying impurity and contamination. Therefore, they are inevitably related to notions of removal and cleansing. Uprooting makwekwe or weeds symbolizes the removal of a community by taking away its roots or all that assures its growth and persistence. These understandings are clearly reflected in the violence that took place in Uasin Gishu and Trans-Nzoia².

¹ Interview conducted in Kesses, 05 September 2009.

² For a more detailed study of these notions and their implications see: Van den Broeck, J., *“It’s how they do their politics” The Roots and Dynamics of Ethnic Conflict around the Kenyan Town of Eldoret*. Leuven, Catholic University of Leuven, 2010

¹¹⁷ Interviews conducted in Uasin Gishu and Trans-Nzoia , August-September 2009, Telephone Interviews Lesakale F, Lesorogol C., Lolwerikoi M. and Straight B., April 2011.

4.2. “The politics of self-centeredness” and the commerce of conflict: ‘External’ complicity of politicians, officials, and prominent community members

“They practice a politics of self-centeredness. They incite people against each other for their own benefits. They eat alone or share with the enemy but not with their people. They consider the lives lost in the violent conflict as collateral damage”¹¹⁸.

These words depict in a striking manner how people feel about the involvement of politicians and officials in conflicts throughout the North Rift. In Uasin Gishu and Trans-Nzoia both are widely reported to have been involved in the conflicts directly and indirectly as facilitators, instigators and organizers. By the same token the people of Samburu, Laikipia and Turkana point towards politicians and administrators as significant driving forces behind pastoral conflicts in the region.

“Between two fires”: the complicity of chiefs

The Waki Commission reports cases of chiefs who “were not there for the people” and “not helpful”. In his testimony to the Waki Commission the District Commissioner for Uasin Gishu, Bernard Kinyua admitted having received information that some of his chiefs did not help their populations¹¹⁹. This was confirmed to us by a chief in Cheptiret and one in Kesses, Uasin Gishu District. Both stated how some chiefs did little to stop the violence in their locations¹²⁰. They also stated that they had difficulties in maintaining their position as a government official. The chief in Cheptiret told how he was caught up “between two fires”, how he had left his location when the violence started and how he returned when all had ended thereby indirectly facilitating violent attacks in his area the area under his authority of authority¹²¹. The Waki Report also reveals cases of chiefs actively inciting people and participating in the violence in for example Burnt Forest and Kiambaa¹²². We received similar testimonies from IDP’s from the same two villages and Eldoret, Kitale, Munyaka, Langas and Yamumbi¹²³. The statement of the Chief in Cheptiret reveals a lot about the motivations underpinning his actions and those of his colleagues. In saying that he was “between two fires” he referred to the fact that he was both a government official with specific responsibilities and a respected member of an ethnic community that was at war. In the end, he chose not to stand up against the violence committed by armed members of his community. This demonstrates that ethnic affiliation can have a strong impact on these kinds of feelings and behaviour.

In Samburu and Laikipia the reaction of the chiefs and other local duty bearers in response to the increased insecurity in the area was found to be inadequate¹²⁴. Like the chief in Cheptiret some chiefs in Samburu, Laikipia, Turkana and other neighbouring regions are believed to have facilitated the violence in a number of ways. “It happens already at the level of the chief”¹²⁵. Such allegations are supported by Krätli and Swift who write that chiefs might take up the role of facilitator or promoter of armed raids as to be able to receive a share of the booty or as a way to assure themselves and their immediate surroundings of access to certain resources¹²⁶. Bevan concludes that ammunition often reaches armed Turkana raiders through the chiefs¹²⁷. Kamenju writes how chiefs would not reveal gun possession to higher authorities out of loyalty to their respective communities¹²⁸. Here too, responsibilities regarding the ethnic community are believed to have prevailed over their duties as a state official. Local administrators

¹¹⁸ Confidential interview conducted in Uasin Gishu, September 2009.

¹¹⁹ Waki Commission, *The Waki Report*, Nairobi, 2008.

¹²⁰ Interviews conducted in Kiambaa and Burnt Forest, August – September 2009.

¹²¹ Interview Chief Cheptiret conducted in Cheptiret, 08 September 2009.

¹²² Waki Commission, *The Waki Report*, Nairobi, 2008, pp.56-57.

¹²³ Interviews conducted in Uasin Gishu and Trans-Nzoia Districts, August-September 2009.

¹²⁴ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p17.

¹²⁵ Confidential telephone interview IPIS, April 2011

¹²⁶ Krätli, S. and Swift, J., *Understanding and Managing Pastoral Conflict in Kenya: A Literature Review*, Institute of Development Studies, University of Sussex, United Kingdom, 1999, p.3, 6.

¹²⁷ Bevan, J. *Blowback: Kenya’s Illicit Ammunition Problem in Turkana North District*, Geneva: Small Arms Survey, June 2008, p.49.

¹²⁸ Kamenju, J., *Terrorized Citizens; Profiling Small Arms and Insecurity in the North Rift Region of Kenya*, Security Research and Information Centre, Nairobi, 2003, p.87.

often rely on ethnic membership as a primary legitimation for authority. Some sources claim that chiefs are “under control” themselves or that higher authorities try to undermine their positions¹²⁹.

“The politics of self-centeredness”: politicians and high ranked officials as organizers, financiers, facilitators and instigators.

We already wrote how during the post election violence local and high ranked politicians reportedly participated in meetings where issues of organisation were discussed and where they incited the communities and instigated the attacks. A village elder in Cheptiret recalled how at one such meeting a top Kalenjin politician, Member of Parliament for Eldoret North Constituency and member of the so called Pentagon came to speech¹³⁰⁻¹³¹⁻¹³². Comparable situations are also documented by the Waki Commission, the KNCHR, the OHCHR and others in their investigation into the post election violence in the North Rift Region¹³³. The International Criminal Court prosecutor Luis Moreno-Ocampo confirmed these findings after his investigation and has named and presented cases against 6 people that are to appear in The Hague (BOX 6).

Addressing the increased raiding and counter raiding between Toposa and Turkana participants at a peace dialogue late 2009 said that there were plenty of accusations and counter-accusations that leaders and elite from both sides were involved¹³⁴. The volatile socio-economic positions of young men made them an easy and structurally available prey for prominent individuals and local potentates in their attempts to organize warrior militias¹³⁵.

To succeed in these attempts high ranked individuals reportedly paid the groups

Box 6. The “Ocampo Six” and Their Charges

The case of the Prosecutor vs. William Ruto, Henry Kosgey and Joshua Arap Sang.

On the counts of murder, forcible transfer of population, torture and persecution constituting a crime against humanity:

- **William Samoei Ruto:** Minister of Higher Education, Science and Technology (suspended), MP for Eldoret North and during the post election violence, MP for Eldoret North (Uasin Gishu).
- **Henry Kiprono Kosgey:** Minister of Industrialization, MP for Tinderet Constituency, ODM Chairman and during the post election violence: MP for Tinderet (Nandi District).
- **Joshua Arap Sang:** Head of Operations, KASS FM (Eldoret) and during the post election violence: Radio broadcaster.

The case of the Prosecutor vs. Francis Muthaura, Uhuru Kenyatta, Mohamed Husein Ali.

On the counts of murder, forcible transfer of population, rape and other forms of sexual violence and other inhumane acts constituting a crime against humanity:

- **Francis Kirimi Muthaura:** During the post election violence and to date: Head of the Public Service and Secretary to the Cabinet and Chairman of the National Security Advisory Committee.
- **Uhuru Muigai Kenyatta:** Deputy Prime Minister and Minister of Finance.
- **Mohamed Hussein Ali:** Chief Executive of the Postal Corporation of Kenya and during the post election violence he was Commissioner of the Kenya Police.

¹²⁹ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p17.

¹³⁰ Although the man did not name him explicitly the politician he refers to is William Ruto.

¹³¹ The Pentagon is a group of 5 prominent ODM politicians namely William Ruto, Najib Balala, Charity Ngilu, Musalia Mudavadi and Joseph Nyagah. Of these, only Ruto is a Kalenjin, the others are respectively Swahili, Kamba, Luhya and Embu. It is clear that, although he did not mention his name according to this Village Elder it was William Ruto who was participating in this meeting.

¹³² Interview Nandi Village Elder conducted in Cheptiret, 8 September 2009.

¹³³ See: Waki Commission, *The Waki Report*, Nairobi, 2008; Kenya National Commission on Human Rights, *On the Brink of the Precipice; A Human Rights Account of Kenya's Post-2007 Election Violence*, 15 August 2008, p.68; International Crisis Group, *Kenya In Crisis*, 2008; Office of the High Commissioner for Human Rights, *Report from the OHCHR Fact-Finding Mission to Kenya 6-28 February 2008*, 2008.

¹³⁴ Eulenberger, I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, p.21.

¹³⁵ Osamba J.O., *The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya*, in: *African Journal on Conflict Resolution*, 2000, p.25.

into service by rewarding them financially or materially thereby introducing them into the conflict as mercenaries¹³⁶. Warrior groups were promised money and rewards to commit violence against Kikuyu communities in Uasin Gishu. We received reports of prominent Kalenjin businessmen and politicians funding and orchestrating the attacks. A Kalenjin village elder gave detailed accounts of meetings where elders, Kalenjin officials and politicians such as MP William Ruto came to speak, how Kalenjin businessmen and top athletes financed the raids and took care of the necessary supplies and transport and so on¹³⁷. "They were promised 200 bob per day to do damage" a Kikuyu woman in an IDP camp near Burnt Forest testified¹³⁸. The Waki Report depicts similar testimonies claiming that Kalenjin warriors were promised a 1000 Kshs for every house they raided¹³⁹.

In other parts of the North Rift, the commercialization of conflict resulted in large scale waged raids. Our sources confirmed the existence of these commercial raids and agreed that the Borana attacks on Samburu communities at the eastern border of Samburu district in 2009 might be a case example. They pointed towards "large players", businessmen, companies and politicians of all communities as the driving forces behind these raids¹⁴⁰.

Respondents to the KHRC and members of Samburu communities in the Archers Post area pointed out the Kenyan Meat Commission (KMC) as the main buyer of the stolen cattle. They also mentioned other buyers, mainly local butcheries and hotels in Isiolo and Meru that allegedly collaborate with Borana raiders with the help of politicians and local administration. Cows are reportedly being traded for anything between 1000 and 5000 Shillings in Isiolo, Nairobi and elsewhere. They also transported to and traded in neighbouring countries Uganda, (South)Sudan – where they are sold for 1000 dollars per head of cattle – and Tanzania. The raiders themselves are thought to keep part of the profit or receive payments in advance¹⁴¹.

According to these testimonies, the KMC, the butcheries and hotels "place orders for animals through the Provincial Police Officers (PPO) of Embu and Nakuru"¹⁴²⁻¹⁴³. Other respondents to the Commission also mentioned a "PPO who is a Nandi and was based in Embu but has since been transferred" hereby referring to Jonathan Koskei. They also mention the names of the (former) Province Commissioner for Rift Valley, Hassan Noor, the Minister of Livestock and current Member of Parliament for Isiolo North Constituency, Mohammed Abdi Kuti and his predecessor Moku. All of them are allegedly involved in organizing, facilitating and financing commercial raids¹⁴⁴.

However, the motives behind the actions of these facilitators and organizers are not confined to mere commercial interests. "Commerce might be one motive but there are political interests involved as well"¹⁴⁵. Both often go hand in hand. "Politicians and parties have to extend their areas of control and this goes together with resources and wealth"¹⁴⁶. As Cultural Survival writes "most people in the area attribute the increase in violence to interference by politicians"¹⁴⁷. One of the main reasons why people suspect political complicity in, for example the conflicts between Samburu, Borana and Pokot is the large scale of the attacks and the armed militias involved in them. The fact that groups of more than 400 armed Pokot warriors could move freely through the area made people assume that some political coordination was behind it. Rumours of politicians going as far as to organize raids in order to fund political campaigns are widely believed in Samburu and adjacent regions. Our informants claimed that,

¹³⁶ Interviews conducted in Uasin Gishu and Trans-Nzoia Districts, August – September 2010.

¹³⁷ Confidential interview conducted in Uasin Gishu, September 2009.

¹³⁸ Confidential interview conducted in Uasin Gishu, September 2009.

¹³⁹ Waki Commission, *The Waki Report*, Nairobi, 2008, p.85.

¹⁴⁰ Personnal Communication, IPIS, March-April 2011 (email)

¹⁴¹ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009.

¹⁴² Prior to June 2009 the PPO for Embu was Jonathan Koskei, he was later replaced by Marcus Ochola. In Nakuru Henry Ashimalla served as PPO before June 2009, after June 2009 Francis Munyambu was appointed this position.

¹⁴³ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p.12

¹⁴⁴ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009.

¹⁴⁵ Confidential Telephone Interview IPIS, April 2011.

¹⁴⁶ Ibid.

¹⁴⁷ Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010, p.17.

in order to uncover political complicity in violence along the Samburu – Isiolo border and the Samburu – Laikipia border one “must look at the level of the MP’s”¹⁴⁸.

In this context the name of MP and Minister of Livestock Mohammed Kuti keeps returning. According to the KHRC report Kuti played a big role in the facilitation and organisation of the Borana raids. He is supposed to have facilitated the alleged transfer of stolen cattle to the KMC and the Dagoretti slaughter house. The MP for North Isiolo is likewise accused of inciting violence against the Samburu and Turkana in order to drive them away from their lands and in doing so extend and consolidate his political influence¹⁴⁹. Some sources claim that in June and July 2009 Kuti openly bragged about hiring and funding the Oromo Liberation Front (OLF) to displace Samburu and Turkana and attack communities in Samburu District. They also stated Kuti housed the OLF for about 60 days. Allegedly the mercenaries have been involved in a number of incidents over during this time¹⁵⁰.

In another case, Kuti is believed to have played a big role in arming Borana and Somali communities. In their testimonies they claimed that Kuti supplied 780 guns – the official number is 300 – to the Borana communities¹⁵¹. The Kenya National Commission on Human Rights (not to be confused with the KHRC) wrote that “insecurity was further fuelled by the legalization of firearms, issued by the Government through the local Police”. This allegedly happened after “on the 26th of January 2009, Isiolo North Member of Parliament and the District Commissioner (Mr. Waweru Kimani) led a delegation to the office of the President to request him to allow 300 guns to be given to the community following the perceived rise of insecurity. Their request was granted and the guns were distributed among the inhabitants of Isiolo. The distribution exercise was conducted by the police”¹⁵². Cultural Survival gives a somewhat different account of these events. “In February 2009, the government permitted the Isiolo Member of Parliament, Mohamed Kuti, to distribute 300 guns to tribes (Borana and Somali) that support his political party” (PNU). “These tribes are traditional enemies of the Samburu and Turkana, who generally support the opposition party (ODM). Arming them was widely viewed and condemned by local potentates and businessmen as a move to favor his political supporters and as inciting violence against the Samburu and Turkana.”¹⁵³ Our informants support these findings and claims that the reason for this distribution of guns was not necessarily and directly aimed at the incitement of violence against Turkana and Samburu people – although he admits this might very well be an anticipated side effect – but a form of political patronism¹⁵⁴. Kuti, for his part, accuses other politicians – whom he does not name – of doing the same thing and he points towards the Minister of Internal Security, Saitoti for protecting the Samburu through inaction. In a news briefing in November 2009 he accused Saitoti of focusing on the 2012 elections and not on protecting the “lives of citizens under his docket”. He continued saying that Saitoti should be “ejected from the office to save lives”, that “this is politically motivated ethnic cleansing” and that “Saitoti is squarely to blame for all this”¹⁵⁵.

Notwithstanding some very convincing cases against them, the roles of politicians as financiers or organizers violence remains highly contested. Ruto, Kosgey and Kenyatta are yet to be proven guilty of the accusations against them. Allegations against Kuti are challenged by a group of researchers who claim that the information is inaccurate. They state that the complicity of the OLF in a series of attacks along the Eastern Samburu border is highly unlikely¹⁵⁶. Although rumours of political involvement in pastoral conflict are often thought to be true we rarely come across evidence that irrefutably confirms them. Those who point towards political complicity often fail to come up with names. Consequently, we are inclined to emphasize that these allegations need to be treated with caution. Politicians and other prominent figures cannot solely be held responsible for the situation of protracted insecurity in the

¹⁴⁸ Confidential Telephone Interviews IPIS, March – April 2011.

¹⁴⁹ Confidential Telephone Interviews IPIS, March – April 2011; Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010, p.17.

¹⁵⁰ Ibid.

¹⁵¹ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p11.

¹⁵² Kenya National Commission on Human Rights, *Fact-Finding Mission Report on the Security Operation in Samburu Carried Out on the 23rd of February 2009*, p.3.

¹⁵³ Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010, p.15.

¹⁵⁴ Personal Communication with Lesakale F, April 2010 (email)

¹⁵⁵ Ramadhan Rajab and Ali Abdi, “10 Killed, Six Injured As Raiders Attack Village,” *East African, Standard*, 16 November 2009.

¹⁵⁶ Personal communication with Lesorogol C., April 2011 (email).

North Rift. Communities are known to engage warrior groups and mercenary militias in times of conflict thereby contributing to prolonged cycles of violence regardless of any political interference. As we argued, armed groups venture out on their own without being contracted, without an encompassing plan, regardless of any political agenda.

Summarized we can say that the issue of external complicity is highly contested. The extent to which political interference influences the course and outcome of conflict is uncertain and sometimes exaggerated. However, testimonies and reports of such interference are recurrent and persistent. Therefore they demand further investigation.

What is less contested is the fact that politicians do incite people against each other and foment ethnic violence. For this they rely on the ability to mobilize through actions that not only promise material or financial improvement but that simultaneously appeal to ethnic identities and emotions. Indeed, the promise of material rewards and land to a Kalenjin is never solely a promise of a better material future. It is also an appeal to antagonizing ethnic identities that are the result of a process in which social, economic and other issues are being politically ethnicized. Affiliations and antagonisms are continuously reinforced and ethnic fissures recreated in an interplay between structural circumstances, collective memories of marginalization and political conduct emphasizing ethnicity. The legacy of almost two decades of ethno-political violence and antagonizing political behaviour has led to a series of ethnic discrepancies that can easily be manipulated and highlighted to the extent that images are created and maintained that they can only be negotiated through violence. One such image is clearly reflected in discourses on madoadoa, makwekwe and majimboism or discourses about beasts, wild bush people and so on.

Kalenjin politicians such as William Ruto and Henry Kosgey and prominent community members such as Kass FM radio broadcaster Joshua Arap Sang are said to have highlighted ethnic fissures and incited Kalenjin communities against others by emphasizing, amongst other things feelings of marginalization and the need for majimboism. As we demonstrated, this agenda was highly antagonizing because of its reference to historical grievances and land issues. By constructing a campaign around land and resource related issues they turned towards the extremes of identity politics. By using notions such as madoadoa they transformed political agendas into images of insurmountable difference. Their reference to understandings of purity and danger (madoadoa and sangara) in political discourses created, reaffirmed and deepened ethnic cavities. In doing so, they likewise created and reaffirmed ethnic images of cause and guilt related to social, economic and judiciary issues and grievances with the Kalenjin communities in which the Kikuyu occupied a central position. Thereby they paved the way towards large scale ethnic atrocities throughout Trans-Nzoia and Uasin Gishu.

The same conclusions can be made about political behaviour in other regions of the North Rift. Our respondents agreed that mobilization of pastoral communities in Samburu, Turkana and Laikipia is based on politically highlighted ethnic identities. Eulenberger depicts populism as one of the conspicuous factors of conflict in northern Turkana and adjacent borderlands. With populism he points towards attempts of to gain political influence by using rhetoric and measures that aim at taking advantage of emotions, desires and sensitivities of that population, often directed against a rival group¹⁵⁷. Other sources mentioned how they witnessed politicians riling up people and drawing pastoralists into political campaigns on multiple occasions and would refer to communities that traditionally do not support them as 'thieves', 'beasts', 'bushmen' and so on¹⁵⁸.

A first background to this political interference and incitement is found in the ethnicized character of Kenyan politics. Politicians draw support from their ethnic kin or region of origin and people often vote for one of their own. This is rooted in the deeply entrenched disposition that ethnic representation at the political top will make way for political power and a more favourable distribution of the 'national cake'. Consequently, political competition and eventually conflict will always unfold alongside ethnic boundaries regardless of changes that take place in ethnic alliances at the political top. It seems that the Kalenjin political elite understood very well that the key to success therefore was in constructing a (political) discourse that offers explanations and solutions for day-to-day hardships and concerns

¹⁵⁷ Eulenberger I., *Report on the peace and reconciliation emergency dialogue between Toposa & Turkana elites of Sudan and Kenya: At St. Teresa community centre Lodwar 31st oktober to 1st November 2009*, 2009, p.7.

¹⁵⁸ Confidential telephone interviews, IPIS, April 2011.

soaked with fundamental ethno-cultural understandings of difference and likeness. In doing so they not only presented themselves as the ambassadors of a community but as the personification of communal sores, stakes and solutions.

However, it is believed that this not necessarily an act of community based on ethnic motivations. "Ethnicity is something for the people, not for the ones at the top. They do not care about ethnicity, they share an ideology"¹⁵⁹. This ideology was beautifully depicted by a Kalenjin man as "the politics of self-centeredness" thereby joining the position of all our respondents regardless of their ethnic origin¹⁶⁰. They claim that prominent politicians are motivated by political and economic interests and professional ambition. This believe seems to be rooted in the fact that in the North Rift the relationship on which redistribution is supposed to depend is highly unequal and hierarchical¹⁶¹. In other words, a growing group of urban and rural poor increasingly questions the motives of their political elite who do not manage to deliver the pieces of the national cake they promise.

Both politicians and officials could only succeed in their enterprises because they knew very little would be undertaken to stop them or to penalize them. They too act within a culture of impunity. Very little has been done to enhance their accountability for the 1992, 1997, 2002, 2005 and 2007-2008 cases of political violence. Very little suggests that the Kenyan government has investigated and prosecuted those responsible for the previous rounds of electoral violence. Our informants mentioned on multiple occasions how leading figures involved in previous rounds of violence were again concerned in the 2007-2008 post election violence¹⁶². And until today Kenya has not succeeded in establishing a national tribunal to adjudicate the key players of the latest post election violence neither on a high, mid or lower level. The communities of the North Rift believe that "the culture of impunity has been encouraged among these leaders such that they engage in crime without fear of repercussions"¹⁶³. Again, such allegations lack sufficient prove. Therefore, more investigation remains necessary.

4.3. State coordinated violence: disarmament and excessive security operations in the North Rift

Our field research into the post election violence revealed how both Police Forces and Military were directly involved in the conflict as fighters and facilitators. It is widely agreed that the official objectives of the security operations do not match the actual motives underpinning the excessively violent conduct of security personnel. Reports on excessive police violence during security and disarmament operations in other parts of the North Rift suggest the same. Our informants mentioned cases of police and other security forces being hard handed and resorting to excessive violence and brutality. Other accusations included them not coming to the assistance of individuals and communities under attack¹⁶⁴. Kenyan security personnel are also accused of supplying weapons and ammunition to pastoralists, for example to secure areas from trans-border raids"¹⁶⁵. This information is supported by recent research that describes how not only Kenya Police Reserves but also Administration Police and Kenya Police distribute ammunition to various warrior groups in Turkana District. The Small Arms Survey suggests that "Kenya Police supplies almost 50 per cent of the ammunition that circulates illegally in Turkana North"¹⁶⁶.

A police officer in Eldoret, Uasin Gishu told how police and security forces would ignore cries for help of Kikuyu under attack while taunting the victims with President Kibaki's slogan "*kazi iendelee*" (let the

¹⁵⁹ Interview conducted in Kesses, Uasin Gishu District, 24 August 2009.

¹⁶⁰ Interview conducted in Kitale, Trans-Nzoia District, 13 September 2009.

¹⁶¹ Kimani M.J., *Access-Management-Ownership: The 'Water and Pasture Menu' in Pastoralist Conflicts in the Greater Horn of Africa (GhoA)*, paper presented at: 'Natural Resource Conflict in Africa-Is Water the New Oil?' United Nations Conference Centre, Addis Ababa, Ethiopia, 13 – 14 November 2008, p.7.

¹⁶² Confidential interviews conducted in Trans-Nzoia and Uasin Gishu, August – September 2009.

¹⁶³ Kenya National Commission on Human Rights, *On the Brink of the Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence*, 15 August 2008, p.93.

¹⁶⁴ Confidential interviews conducted in Trans-Nzoia and Uasin Gishu, August – September 2009; Personnal Communication, IPIS, March – April 2011 (email).

¹⁶⁵ IPIS & Transarms-Research, *The Karamoja Cluster of Eastern Africa: Arms Transfers and Their Repercussions on Communal Security Perceptions*, Antwerp – Chicago, 2010

¹⁶⁶ Bevan J. *Blowback: Kenya's Illicit Ammunition Problem in Turkana North District*, Small Ams Survey, June 2008, pp.17-18

work continue)¹⁶⁷. This was also reported by the Waki Commission¹⁶⁸. The officer recalled how sometimes police would work together with the marauding gangs¹⁶⁹. Similar accounts can be read in the Waki report that cites a witness saying that “the Kalenjin officers in the camp joined their kinsmen in the attacks”¹⁷⁰. By the same token police and paramilitary personnel are said to have teamed up with armed militias in Samburu. Several testimonies mention how people saw the cattle stolen by Borana militias being loaded on GSU and Police trucks and lorries¹⁷¹.



Police helicopter landing during security operation in Samburu.
(Photo: Tina Ramme, 2009).

In the far North of the region “the overall situation is creating a strong symbiosis between the

security forces and their armed civilian neighbours” as well. Here, one of the most interesting stories we came across was that of a local police post in the Elemi triangle that was attacked by a small Toposa squad at 9 in the morning on the 22nd of April 2009. That morning the commanding officer was brushing his teeth when the raiders caught him by surprise and shot him in the arm. He then retreated and the raiders went away with the three donkeys of the police station. While the officer was brought to the government hospital in Nairobi for treatment, the Turkana locals hunted down the raiders, recovered the donkeys and brought them back. After a couple of days, on 28th April, the story repeated itself in almost the same way. The Toposa attacked, the officer got shot, the donkeys stolen and the raiders pursued by Turkana warrior after which they returned the donkeys¹⁷².

Multiple cases of excessive brutality such as raping, beating unarmed civilians and engaging in extra judicial indiscriminate killings by Police Forces have also been reported¹⁷³. According to the Waki Commission the army personnel deployed in the region for humanitarian purposes and to reinstall security during and after the post election violence generally received good reports. However, we also received testimonies of army personnel being indifferent and engaging in disproportionate violence¹⁷⁴. This kind of brutality is merely one example of a returning pattern of behaviour that seems endemic for security operations throughout the country. During our period of interest several large scale operations were conducted in other parts of the country as well. Two very illustrative cases are the crackdown on the Saboot Land Defense Force (SLDF) and the disarmament operations in the Mandera Triangle. Both

¹⁶⁷ Interview with Police Officer conducted in Langas Estate, Eldoret, September 2009

¹⁶⁸ Waki Commission, *The Waki Report*, Nairobi, 2008, p.55.

¹⁶⁹ Confidential interview conducted in Langas, Uasin Gishu District, 17-09-2009

¹⁷⁰ Waki Commission, *The Waki Report*, Nairobi, 2008, p.55.

¹⁷¹ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009.

¹⁷² Personal communication with Eulenberger I., 23 March 2011 (email).

¹⁷³ See for example: Waki Commission, *The Waki Report*, Nairobi, 2008; Kenya National Commission on Human Rights, *The Cry of Blood: Report on Extra-Judicial Killings and Disappearances*, 2008; Philip Alston, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Mission To Kenya*, United Nations Human Rights Council, 26 May 2009; Office of the High Commissioner for Human Rights, *Report from the OHCHR Fact-Finding Mission to Kenya 6-28 February 2008*, 2008.

¹⁷⁴ Interviews conducted in Uasin Gishu District, August – September 2009. See also: Waki Commission, *The Waki Report*, Nairobi, 2008; Kenya National Commission on Human Rights, *The Cry of Blood: Report on Extra-Judicial Killings and Disappearances*, 2008; Philip Alston, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Mission To Kenya*, United Nations Human Rights Council, 26 May 2009.

revealed similar patterns of action with security forces rounding up people, torturing, raping, beating and killing¹⁷⁵.

Other case examples in this context are the joint Army and Police operations in and around Samburu district in 2009 and 2010. Officially these operations were aimed at disarmament of the conflicting communities and the confiscation and redistribution of stolen cattle to their rightful owners in order to restore security in a violence-torn region. On the 23rd of February 2009, shortly after violence between the Borana and Samburu had escalated, a security operation in Samburu East, Waso Division was launched. This security swoop included joint military, paramilitary and police forces in an operation to mop out illegal guns and recover cattle supposedly stolen by Samburu.

The operation was carried out by an estimated 600 police and paramilitary personnel such as the GSU who were dispatched from Archers Post and arrived in about 20 lorries and 3 helicopters. It left most people traumatized as security personnel severely beat the villagers, ransacked the homesteads and sprayed bullets haphazardly from helicopters. Police confiscated more than 4000 heads of cattle and redistributed them hastily and fraudulently at the Isiolo Airstrip. None of the cattle were returned. This has caused an enormous impact on the livelihoods of the people of Leratta. On the 24th of February similar operations took place in Naishamunye and Laresoro where about a 1000 security personnel came in with choppers and lorries, stole cell phones, money and other properties and beat men, women and children. Following a report of the KNHCR two morans later identified as a Lenaiyasa and Leamaran were killed during the attack. Opinions differ on this case since the Cultural Survival report on security operations in Samburu only mentions the death of the former¹⁷⁶.

Similar operations took place in the aftermath of the Pokot attacks in September 2009 similar operations took place. All of these were excessively violent. Witnesses testified how the military and police indiscriminately fired down from helicopters on the villagers while ground troops carried out their attacks. Security forces are also said to have severely beaten community members with clubs and machetes and raped several women¹⁷⁷. According to a credible source, Kenyan Police were permanently stationed in the area near Archers Post from June until September 2010. During this time human rights violations continued on a smaller scale and with a reduced intensity¹⁷⁸.

The Kenyan media has also written that on both occasions bombs, mortars and even yet-to-be-identified chemicals have been used¹⁷⁹. The use of chemicals and bombs we believe to be very unlikely. However, based on various testimonies, a consultation of 'The Military Balance' publication by The International Institute for Strategic Studies (ISS) and pictures published in the Cultural Survival report we can conclude that the helicopters used in the operation were Army material of the Hughes 500MD *Scout Defender* type possibly equipped with TOW missiles¹⁸⁰. This could explain references to the use of bombs and explosives.

We were also told that the permanent presence of security forces marked the beginning of a police operation named 'Walk and Shoot'. By the same token, Mohamed Kuti allegedly threatened the Samburu community with security operations 'Walk and Shoot' and later 'Prepare for Doom'¹⁸¹. However, we have

¹⁷⁵ For more information on these cases see: Human Rights Watch, *"All the Men Have Gone": War Crimes in Kenya's Mt. Elgon Conflict*, Human Rights Watch, 2008; Human Rights Watch, *"Bring the Gun or You'll Die": Torture, Rape and Other Serious Human Rights Violations by the Kenyan Security Forces in the Mendera Triangle*, Human Rights Watch, 2009; Philip Alston, *Report of the Special Rapporteur on Extrajudicial Summary or Arbitrary Executions; Mission to Kenya*, United Nations Human Rights Council, 26 May 2009.

¹⁷⁶ Kenya National Commission on Human Rights, *Fact-Finding Mission Report on the Security Operation in Samburu Carried Out on the 23rd of February 2009*, 2009, p.5.; Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police in Samburu East and Isiolo Districts, Kenya*, 2010, p.22.

¹⁷⁷ Kenya National Commission on Human Rights, *Fact-Finding Mission Report on the Security Operation in Samburu Carried Out on the 23rd of February 2009*, 2009; Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009; Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police in Samburu East and Isiolo Districts, Kenya*, 2010.

¹⁷⁸ Confidential communication, March – April 2011 (email)

¹⁷⁹ Mathangani, P., *Report: How Police Killed 40 in Operation*, The Standard, 09-06-2009.

¹⁸⁰ The International Institute for Strategic Studies, *The Military Balance 2010: The annual assessment of global military capabilities and defence economics.*, London, Routledge, 2010, pp.312-313.

¹⁸¹ Confidential communication, April 2011 (email).

not found any evidence that confirms the existence of these security operations or that suggests that operations were conducted under these names.

Nevertheless, these testimonies seem to reveal another, apparently significant undercurrent of police atrocities in the North Rift. Our sources mention a high level of political complicity in these security operations. "Police can't be trusted because they are under control themselves". "Politicians use police to get their agendas"¹⁸². Respondents to the KHRC claimed how "police respond to the MPs but not to any conflicts"¹⁸³. Disarmament operations in and around Samburu indeed appeared to be biased with most of them targeting the Samburu population. Some even suggest that the Borana cattle raids and the security operations that came in their wake were all part of a larger plan. The KNCHR writes that leaders of the Turkana and Samburu communities allege that the Borana raid was conducted to provoke a reaction from the Samburu and that the Samburu rejoinder raid was staged and anticipated to justify the need for a disarmament operation that was supposed to result in the eviction of Samburu communities from their lands or even large scale murder.

However, great uncertainty and disagreement surrounds this matter. Other sources deny the existence of such a plan. And the question remains as to what purpose such a plan would serve. Would it be a mere political ploy? A game of numbers to assure political influence and votes in the region? Some sources suggest that it cannot be seen apart from large scale Chinese development projects in the area and that the whole set-up was made to evict Samburu from their lands as to provide a free passage for these projects¹⁸⁴(BOX 7). This would indeed be a clear example of how economic and political motives go hand in hand. However, here too remains a great deal of uncertainty. We can neither confirm or deny the existence of such encompassing plans, whatever their goals might be. More investigation into the matter is needed. Nevertheless, it is likely that there is a degree of political complicity and control in security operations and that this might indeed result in police conduct that does not correspond to the official objectives of the respective operations.

In line with this presumed complicity of politicians in security operations lies the assumption that a lot of police conduct was ethnically motivated (since politics largely follows ethnic lines). This assumption is endorsed by our own research. The same feelings of belonging and antipathies, the same sets of ethnically shaped collective memories, grievances that we have depicted before seem to be directive of conflict behaviour among security personnel. In this, police resemble the warriors and local administrators. In Uasin Gishu and Trans-Nzoia police officers too, were caught up "between two fires". And often they let their ethnic affiliations prevail over their duties and responsibilities as government personnel. Among Kenyan security personnel stereotype images of other communities are as much alive as with the rest of society and the armed groups. "They belong to a part of society in which this is normal" the police officer testified¹⁸⁵. According to some sources this is also what caused the excessively violent and biased security operations in Samburu District. "Ethnic affiliations are important for police officers too"¹⁸⁶. "Police too have stereotypical thinking", Samburu residents testified¹⁸⁷. The KCHR reports a testimony of Archers Post residents claiming that sending police to their area is often of little help since a lot of the police officers "have very bad perceptions" towards them which allegedly leads them to "instigate more violence" and "simply fuel the conflict even more"¹⁸⁸. Because in the military too, ethnic memberships are important ethnicity cannot be excluded as a motivational mindset for military excesses and brutalities.

However, the fact that military would let things drift during these events can also be ascribed to their official agenda which did not include forceful intervention in cases of violence. Of course this stands as a direct opposite to excessive military violence against Kenyan civilians during the post election violence in Uasin Gishu and Trans-Nzoia and in other regions at other times.

By the same token our research revealed how police forces in Uasin Gishu and Trans-Nzoia were often simply overwhelmed by the marauding groups who acted fast, in large numbers and highly organized.

¹⁸² Confidential telephone interview IPIS, April 2011.

¹⁸³ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p.8

¹⁸⁴ Confidential communication, March – April 2011 (email); Cultural Survival, *When the Police are the Perpetrators: An Investigation of Human Rights Violations by Police In Samburu East and Isiolo Districts, Kenya*, 2010, p.18.

¹⁸⁵ Interview with Police Officer conducted in Langas Estate, September 2009.

¹⁸⁶ Telephone interview IPIS with Fred Lesakale, April 2011.

¹⁸⁷ Telephone interview IPIS with Michael Lolwerikoi, April 2011

¹⁸⁸ Kenya Human Rights Commission, *Fact-Finding Mission of Cattle Rustling in Samburu and Isiolo*, 2009, p11.

Box 7. In the name of development and conservation; Notes on links between Chinese development, the AWF and State-coordinated violence in Samburu.

At the crossroads between political and economic stakes of conflict in the North Rift and police atrocities we find two very interesting stories that call for further investigation. In their accounts of the brutal security operations that took place in Samburu District our respondents mention two interesting stakeholders namely Chinese companies and the African Wildlife Foundation (AWF).

Firstly, the complicity of Chinese companies in the area is allegedly to be seen in the light of oil explorations in the neighbourhood and their involvement in a large scale development project named LAPSET (the acronym for 'Lamu Port-Southern Sudan-Ethiopia Transport'). We came across a number of documents and pictures that confirm the existence of this project, the involvement of Chinese companies in it and its trajectory through Samburu District. The LAPSET project is supposed to link the proposed new port (and airport) of Lamu with various towns in the North Rift (Maralal, Lodwar, Lokichoggio, Archers Post, ...) and other regions and eventually with Ethiopia through Moyale and Sudan through Lokichoggio. This transport corridor will consist of railways, highways and oil pipelines. In addition to this resort cities and free trade zones are supposed to be constructed in Lamu, Isiolo, and at the tip of Lake Turkana (possibly comparable to the Sseesamirembe Eco City project on the shores of Lake Victoria in Uganda)¹. It is believed that the implementations of these developments Kenyan cannot be considered apart from rises in violence by the hands of security forces and militias.

In the margins of all this, Chinese presence in the area seems to parallel steep increases in elephant poaching (from six animals in 2007 to 57 in 2009). Recently a Channel 4 crew documented how ivory is allegedly ordered by and smuggled to China. Their documentation showed evidence of well organized poachers armed with AK-47's not only resorting to elephant poaching but also to indiscriminate killings of Samburu residents².

Secondly, conservancy projects play are said to play an important role in evictions and killings in Samburu. These allegations are supported by Cultural Survival who write that heavily armed policemen forcibly evicted 300 Samburu families from their lands in Laikipia. Police reportedly burned the Samburu's houses and all their properties. According to Cultural Survival former president Daniel Arap Moi purchased this land during his administration and recently sold it to the AWF that wants to create a conservation corridor for wildlife, along with "sustainable livestock grazing and other community development projects"³. Recently, a Channel 4 crew documented such evictions and burnings by security personnel and made similar allegations⁴.



Chinese bulldozer near Samburu - Isiolo Border. (Photo: Tina Ramme, 2009).

¹ Kenya Ports Authority, Kenya Ports Authority Handbook 2010-2011, Land & Marine Publications Ltd., 2010, pp.26-33; Kenya National Assembly, National Assembly Official Report, Tuesday 1st September, 2009, 2009, pp.9-10.

² Hartley A, *Unreported World: The End of the Elephant?*, 26 March 2010 (Channel 4).

³ Cultural Survival, *Samburu Evicted for Conservation in Kenya*, 15 December 2010;

⁴ Steeds O., *Dispatches: Conservation's Dirty Secrets*, 17 June 2011 (Channel 4).

The reason for this is firstly to be found in either a lack of intelligence or a lack of communication. Secondly, police non-response can be retraced to a sheer shortage in numbers and equipment. According to our informants the police were heavily outnumbered by the armed groups most of the times. At the beginning of the post election violence no more than 600 police officers were present in the whole Uasin Gishu district. Besides this, most local police stations were badly equipped leaving them unable to correctly respond to the situation¹⁸⁹. Hence, apart from ethnic motives the laxity in their response or their non-response could be motivated by their unwillingness to endanger their own lives.

Police personnel in Samburu and Turkana are confronted with the exact same problems. Although political interference and ethnic bias provide partial explanations our research suggests that these explanations do not cover the whole scope of police conduct. The story of the Turkana warriors taking care of their police officers shows that in this region it is often the local pastoral militia that protects 'their' police than the other way round. This depends a lot on the relative strength of the different forces on the ground. As in Uasin Gishu and Trans-Nzoia police laxity or unwillingness to intervene can partly be explained as a survival tactic. Local police forces are often reluctant to intervene because they are poorly equipped and do not have sufficient intelligence to rely on. Since they are often confronted with large groups of well equipped, heavily armed raiders they often decide not to intervene. "Local police forces are generally unprepared and too afraid to engage in confrontations with organized warrior groups"¹⁹⁰.

In addition to this, the actions of security personnel often show a significant degree of greed and opportunistic motivations. Looting, theft and so on can be explained by reference to the wish to enrich themselves. Generally underpaid, police personnel could have been tempted to replenish their incomes with whatever they could grab during the security operations.

A last but very important explanation that concerns both police and army personnel is again the pervasive culture of impunity that also affects the security forces. Hence, our writings regarding unaccountability of armed groups, politicians and officials also apply to the police and army forces. Since the 1990's both police and army personnel have been repeatedly accused of excessive violence, theft and extra-judicial killings but very rarely have they been brought to court and adequately sentenced for their actions¹⁹¹. Various organisations have investigated the issue on various occasions but very little was done to implement the conclusions and recommendations made in their reports¹⁹². Today the former Commissioner of the Kenya Police Mohamed Hussein Ali is to stand before the ICC at The Hague. Some reforms have been implemented and more are scheduled. However, most violence remains unpunished and injustices remain unsettled.

The above demonstrates that we have to remain nuanced in our account of police and military behaviour. Although testimonies of political complicity and high level involvement in the organisation of these operations are so widespread that they need to be taken into account, research reveals that such explanations alone are not sufficient. Ordinary police officers are members of an ethnic community often with strong feelings of ethnic affiliation. They are at the fringes themselves, underequipped, underpaid, in a continuous struggle to survive. Consequently, they often resort to practices that oppose their official responsibilities apart from any orders given to them by higher authorities.

¹⁸⁹ Interviews conducted in Uasin Gishu District, August – September 2009; See also: Waki Commission, *The Waki Report*, Nairobi, 2008; Kenya National Commission on Human Rights, *The Cry of Blood: Report on Extra-Judicial Killings and Disappearances*, 2008.

¹⁹⁰ Telephone interview IPIS with Carolyn Lesorogol, April 2011.

¹⁹¹ Interviews conducted in Uasin Gishu District, August – September 2009; See also: Waki Commission, *The Waki Report*, Nairobi, 2008; Kenya National Commission on Human Rights, *The Cry of Blood: Report on Extra-Judicial Killings and Disappearances*, 2008.

¹⁹² Human Rights Watch, *"All the Men Have Gone": Ware Crimes in Kenya's Mt. Elgon Conflict*, Human Rights Watch, 2008; Human Rights Watch, *"Bring the Gun or You'll Die": Torture, Rape and Other Serious Human Rights Violations by the Kenyan Security Forces in the Mandera Triangle*, Human Rights Watch, 2009; Philip Alston, *Report of the Special Rapporteur on Extrajudicial Summary or Arbitrary Executions; Mission to Kenya*, United Nations Human Rights Council, 26 May 2009.

Box 8. Fighting at the Fringes - Notes on State Periphery and Illegitimacy

In writing on armed groups, politicians and security personnel we have touched upon issues of State functioning. The rise of ethnically motivated warrior groups parallels difficulties of the Kenyan State in providing basic needs and livelihoods to its citizens. It also reflects the incapability of the State to act with strength and meaningful legitimacy. Through years of structural neglect and marginalization, a periphery has emerged in which state presence and policies are openly ambiguated, questioned and contested. These margins of the state are not only geographical but also, and even more so, socio-economic contexts in which ethnic identities, affiliations and contestation along ethno-cultural boundaries are focused.

Ironically, as we have demonstrated, these margins are brought about by the State, its institutions and its representatives themselves. Through these the State seems to undo itself. Politicians go against the State they claim to represent because they build political careers on social formations and identities that present themselves as the exact opposites of those that the nation-state propagates.

Next to this the Kenyan State creates its own fringes when it presents itself as a dominant and aggressive power at the grassroots while it fails to correctly manage its 'nurturing' and protective institutions. The ability of the state to act with legitimate dominance and aggression is highly questioned and contested when it fails to manage its 'softer' services as health care, education and social security. When its security forces strike with great brutality at the grassroots. When police officers engage in extrajudicial killings while, at the same time its judiciary system fails to bring justice to victims, thousands of people face starvation, health care is abominable, historical grievances are left unsettled and so on. In these contexts the Kenyan State creates its own peripheries in which the people not only question its legitimacy but also turn towards exactly those social formations for protection, comfort and identification that the post-colonial (Kenyan) nation-state was supposed to undo.



Samburu refugees in Laikipia (Photo: Tina Ramme, 2009).

Conclusion

In the North Rift Region the districts of Uasin Gishu, Trans-Nzoia , Turkana, Samburu and Laikipia have suffered and continue to bare the brunt of armed violence. Whereas Uasin Gishu and Trans-Nzoia have experienced armed conflict mostly in the context of the latest post election violence in 2007 and 2009. Samburu and Laikipia suffered an unusual increase of armed violence in the shape of pastoral raids and excessive security operations in 2009. At its turn Turkana was the most violent district in the North Rift in 2009 and 2010 with high numbers of deadly casualties due to pastoral conflicts.

Most of the violence can be ascribed to armed groups affiliated to the ethnic communities in the region. Equipped with crude weapons but also, and ever more so with automatic rifles these so called 'warrior' groups engage in numerous violent raids and confrontations. These cannot be explained by reference to one single motive. On the contrary, the motivations underpinning the actions of armed groups are all situated on a broad scope that combines, amongst others, mere survival strategies with waged violence and politically instigated ethnic antipathies.

Consequently, an analysis of conflict in the North Rift implies not only an investigation into the motives and behaviour of armed groups but also an assessment of those who act behind the screens. Local and high-level power figures and other prominent community members are often driving forces behind political violence and destructive raids. They are accused of facilitating, financing, inciting and organizing raids because of ethnic sensitivities or to safeguard their personal, political and economic interests. In order to reach their agendas politicians turn to the extremes of identity politics inciting people against each other through appeals on seemingly incompatible cultural identities.

We also discussed the actions and motivations of Kenyan Security Personnel. Their official objectives are related to restoring security in a conflict torn region. Unfortunately this does very rarely correspond

to their actions that can often be retraced to survival and greed motivations and ethnic bias. Besides this, security personnel is thought to operate under the control of politicians and higher authorities for political reasons or to pave the way for large scale development and conservancy projects.

All actors move within a pervasive culture of impunity and a general situation of state insufficiency and illegitimacy where very little is undertaken to bring perpetrators to court and justice to the grass roots and where the Kenyan State fails to provide basic and necessary services to its citizens. Consequently they force them to rely only on themselves and on social formations that thrive in the margins of the State.

As this illustrates, in analysing the motivations of conflict actors in the North Rift Region we essentially touched upon a number of issues that are characteristic for the whole Kenyan society. The behaviour of our actors is rooted in a situation of profound inequality depicted by increasing possibilities at the top of the hierarchy and equally increasing hardships at the bottom end.

Acronyms

AP – Administration Police

ASAL – Arid and Semi-Arid Lands

AWF – African Wildlife Foundation

GSU – General Service Unit

ICC – International Criminal Court

IDP – Internally Displaced Person

KHRC – Kenya Human Rights Commission

KNCHR – Kenya National Commission on Human Rights

KPR – Kenya Police Reserve

NGO – Non Governmental Organisation

OCHA – (United Nations) Office for the Coordination of Humanitarian Affairs

OCPD – Officer Commanding Police Division

OCS – Officer Commanding Police Station

ODM – Orange Democratic Movement

OHCHR – (United Nations) Office of the High Commissioner for Human Rights

PAPC – Provincial Administration Police Commander

PNU – Party of National Unity

PPO – Provincial Police Officer

RDU – Rapid Deployment Unit

SALW – Small Arms and Light Weapons

SAR – Small Arms Survey

SLDF – Sabaoth Land Defence Force

TOW – Tube Launched Optically Wire Guided